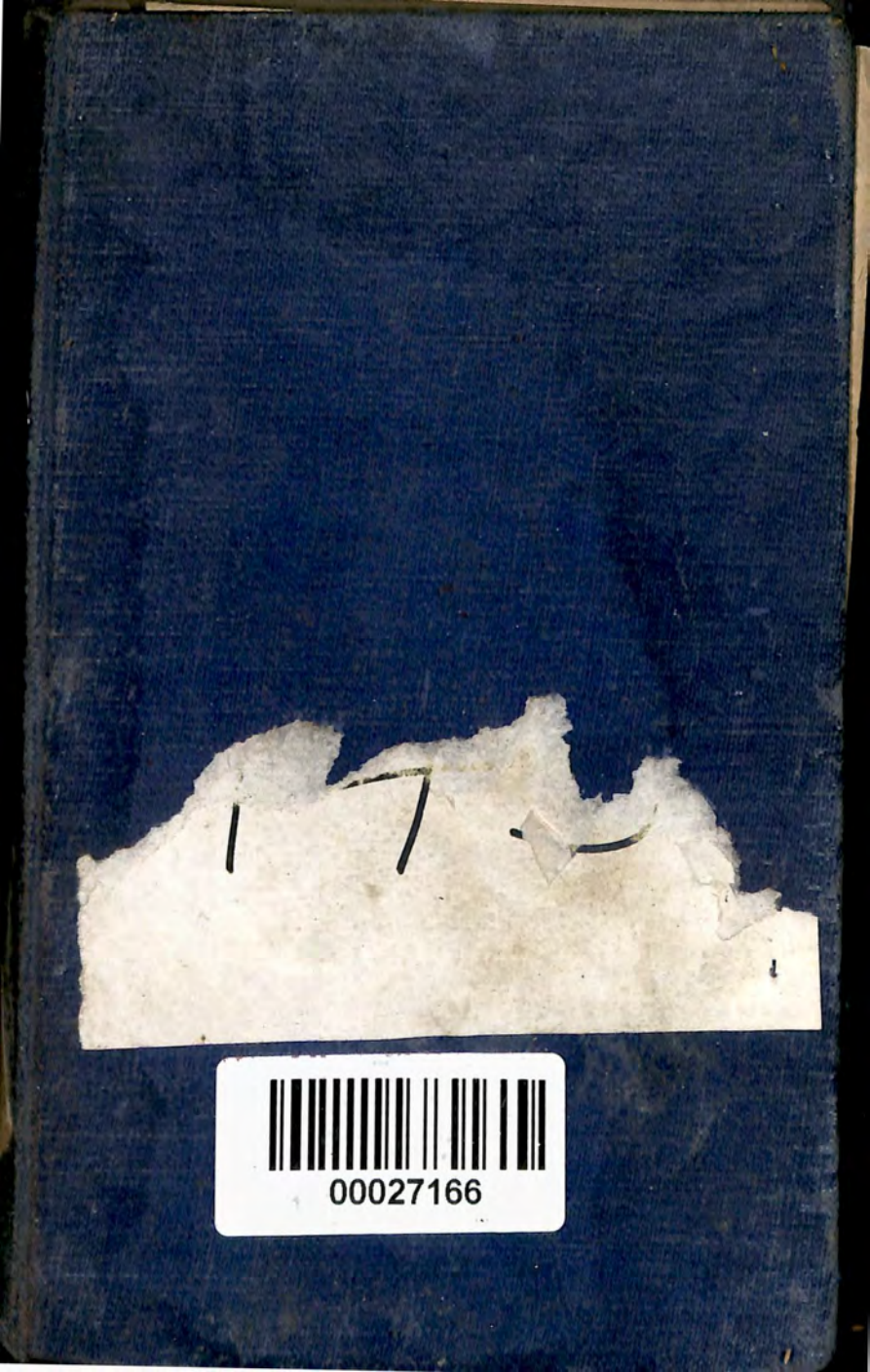

17-
00027166

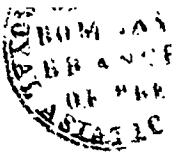
BOMBAY BRANCH
OF THE
ROYAL ASIATIC SOCIETY
TOWN HALL, BOMBAY.

Digitized with financial assistance from the
Government of Maharashtra
on 04 February, 2016

Grey.

Engraved by W. Read from a Original Painting

ENGLAND



UNDER

SEVEN ADMINISTRATIONS.

BY

ALBANY FONBLANQUE, ESQ.

27166 ac

" Quicquid agunt homines . . .
. . . . . nostri est farrago libelli."

1915

IN THREE VOLUMES.

VOL. I.

23
RR C 45

LONDON:

RICHARD BENTLEY, NEW BURLINGTON STREET,

Publisher in Ordinary to His Majesty.

1837.

320.942
Fam/Eng
27166
f942

LONDON:
PRINTED BY C. AND W. REYNELL,
LITTLE PULTENEY STREET.

CONTENTS

OF THE FIRST VOLUME.

THE CANNING AND GODERICH MINISTRIES.

	PAGE
INTRODUCTION	iii
Table	xxi
The Elections of 1826	3
The Ministerial Changes	8
The Canning Administration [1827]	15
Consistency of Mr Canning's Supporters	25
Policy of Mr Canning's Supporters	30
The House of Lords	35
Death of Mr Canning	41
Progress of Civilization	45
The Chancellor Eldon and the Vice-Chancellor, Sir John Leach	55
Character of the Duke of York	62
The Wealth of the Church explained	65
Love of Office	67
A Pamphlet of the Old School	68
Severity of the Law on suspected, and Tenderness for Notorious, Criminals	69
Fines	75
The Magistracy	82
Liberty and Licentiousness of the Press	90
French and English Libel Law	96
Teachers	108

PAGE

The Thieving Trade before the Improvement of the Metropolitan Police 115
Game-preserving and Man-destroying . . . 121
Dissolution of the Goderich Ministry 126
The Explanation 130
The Mystifications 134

THE WELLINGTON MINISTRY.

Formation of the Government 143
The Wellington Faith 149
The Tide of Opinion 155
Some Account of the Duke of Wellington . . 160
The Way to Keep 'em 163
Statesmen as they are, and Statesmen as they ought to be . 168
Reform in Parliament 175
Legal Fictions 178
Examination of Prisoners 184
Trial by Jury 187
Magistracies to be sold 192
Justice and Mercy 194
Virtue of "Respectability" 202
Inconsistency in Moral Judgments . . . 206
General Mournings 208
Eton Montem 210
Decline of Rhetoric with the Advance of Knowledge . 212
Catholic Emancipation 215
Signs of the Times in 1829 219
The Polignac Ministry 226
Representation 233
The Parliamentary Slave-Trade of 1829 . . . 242
Mr O'Connell in Parliament 248
Mr O'Connell and the French Liberals . . . 252
Mr Peel 259
The Ancient Watch and New Police . . . 265
Satisfactory Knowledge 272
Attempt to defeat Justice 274

PAGE

Imprisonment on Mesne Process . . 280
The Scotch Judges' Salaries 288
Magisterial Incapacity 293
Comforts of the Poor 296
Legislation 301
The New [gate] School of Divinity . . . 308
Newgate Saints 311
Noble Sports 316
Melancholy Case of a Duke . . . 321

LIST OF PLATES.

Right Hon. George Canning	to face Title	Vol. 1
Sir Robert Peel, Bart.	ditto	Vol. 2
Earl Grey	to face page 78	Vol. 2
The Duke of Wellington	to face Title	Vol. 3

INTRODUCTION.

THE papers composing these volumes are collected from my writings in the Examiner newspaper. The subjects discussed are chiefly the political questions and events which have occupied the attention of the country under the seven Administrations that have had their terms of power within the last ten years. In the settlement of some long disputed questions, and the rapid progress of others, will be marked the steady direction, and the increasing strength of popular opinion. The Tory party was compact, and apparently unshaken in power, even towards the end of the Liverpool Administration; the Test Acts were unrepealed; the Catholics were excluded from the Legislature; slavery existed in our colonies; the *prestige* of the perfection of the law was unbroken, and the

sanguinary character of the criminal code unmitigated; the corporations were sinks of corruption; a few individuals nominated nearly half the members of the House of Commons, and a Parliamentary Reformer was in common acceptation another word for a visionary.

Division in the Tory party followed the dissolution of the Liverpool Administration. Mr Canning's Government, which succeeded, was, in its domestic policy, a negation alike of evil and of good, but it had the important result of casting into a minority—of precipitating, as it were, in a sediment—the most violent enemies of civil and religious liberty; and the defeat and depression of this section headed by Lord Eldon gave an indefinite ascendancy to the principles to which it was opposed. The advantages of Mr Canning's Administration were thus incidental, at home, but his foreign policy was more positive and bold—the spirit moved on the face of the waters.

The Goderich Ministry only fills with a name the interval between the death of Mr

Canning and the formation of the Duke of Wellington's Administration in 1828.

The Duke of Wellington was the first Minister to cede to the growing popular power—where Mr Canning had made a halt his Grace made a retreat; the Test and Corporation Acts were repealed, and, to the amazement and dismay of the intolerant section of the Tories, the removal of the Catholic disabilities was the first measure proposed by the Duke in the next session, and upon the express ground of the formidable attitude of the people of Ireland, and the imminent danger of civil war. The question which Mr Canning two years before had been able to wave, the Duke of Wellington was obliged to give way upon; so rapid had been the development of the popular strength in Ireland.

Opinion upon other subjects was silently making its advances. The minds of men had received impressions and formed conclusions, which lay, like the writing in sympathetic ink, wanting only warmth to produce them in vivid character; and that warmth was communicated in a most

generous glow by the revolution of the Three Days. It has always seemed probable to me that this event influenced the Duke of Wellington's stand against Reform in Parliament in the same proportion that it moved the demands of the people. A military Tory chief was too likely to sympathize with the defeat of the troops in Paris, and to feel that a concession to the people, immediately after such an example, implied an acknowledgment of their irresistible power, which his soldierly pride was interested in withholding. Certain it is that the majority of officers of the British army testified as much soreness at the overthrow of the French troops by the people as if the *esprit de corps* extended to a Foreign Army. But whatever may have been the feelings that prompted the Duke's assertion of the perfection of the Representative System, the effect was another and an irresistible evidence of the state and might of public opinion. The Duke of Wellington, who began his Administration with concession, ended it with the first attempt of any moment to resist the

demands of the people. Lord Grey then took office on the principles of Peace, Retrenchment, and Reform; and in little more than eighteen months after the Duke's suicidal declaration of the unalterable perfection of the Representative System, the Reform Bill was the law of the land. To the Grey Government belongs the honour of designing and proposing it, but it was carried by the determined spirit of the nation, which intimidated the Oligarchy. Chambers of Legislature have been cleared by the bayonet, but it was by no such vulgar force, it was by a far mightier and subtler power that the Tory Lords, after an opposition of unexampled violence and obstinacy, were scared from the House of Peers when the Reform Bill passed through its final stages.

What Catholic Emancipation had been to the Duke of Wellington, the Reform Bill was to Lord Grey; and what the declaration against Reform was to the Duke of Wellington, the Irish Coercion Act in its consequences was to Lord Grey. Each Minister commenced his Administra-

tion with a measure of great value most gratefully received, and each fell by the chief fault in his Administration, the one for corruption, the other for coercion. Before Lord Grey's resignation he had rendered his Government not less unpopular in England, by his deference to the hostility of the Lords, than in Ireland, by the evil genius of Lord Stanley.

It was naturally inferred from the unpopular grounds of the secessions from the Government, that the policy of Lord Melbourne and his remaining colleagues would be improved. Upon the dismissal of the Ministry in the autumn of 1834, its members had the benefit of the favourable expectations which have since been to a considerable extent realized. All the powers of intimidation and corruption were strained to the utmost upon the appeal of the Duke of Wellington and Sir Robert Peel to the country, but notwithstanding various disadvantages on the popular side, and unparalleled exertions on the other, the Reformers returned a majority, which broke up Sir Robert Peel's Administration

after a faint fluttering existence of a few weeks.

Since the restoration of Lord Melbourne and his friends to office, Municipal Reform and the Reduction of the Taxes on Information have been gained; and the progress of opinion is to be marked, in measures, but lately disputed, now passed, in the Commons, though defeated by the Lords, and also in the rapidly increasing minorities upon questions of organic improvement.

The Lords may obstruct Legislation, but the tide of opinion rises in spite of them, and within the last ten years not a foot of ground in any quarter has been lost by the Reformers — there is not indeed a single question involving popular principles which has not made its advances in the public mind. The doors of the Lords may be closed against the demands of reason and justice, but the intelligence of the people is ever open to them; majorities in the Commons may resist Peerage Reform, and still hold out against the Ballot, the Repeal of the Septennial Act, Amendment of the Franchise,

the Repeal of the Corn Laws, the Abolition of any Tax upon Information, a thorough Reform of the Church; but against all obstacles these questions are making their advances to their triumph. Neither Lords nor Commons turn back opinion a jot when they throw out bills, or negative motions; the mind of the country is as unchecked by such defeats as time is uncontrolled by the hands of a slow clock.

Every change proposed by Reformers has been vehemently resisted, as disturbing some happy state of things, and as pregnant with all imaginable evils; but is there any one change that has realized these dismal anticipations? and by the greatest of all, the Reform Bill, which was inevitably to produce anarchy and ruin, Sir Robert Peel now pledges himself to abide. May not the public then fairly infer that the Tories are as much in error about the character and effects of the measures still in dispute, as they have proved to be mistaken about the character and effects of the measures which

have passed into law after the most obstinate and fierce opposition?

There were some prophets in the last century who foretold the end of the world with the most alarming confidence, but when the day passed without the crack of doom, the end of the world was adjourned, and another, and another, and another last day appointed. When the most ignorant and credulous began to reflect on the number of fine dooms-days they had passed in vain fears, there was an end of faith in the prophets who had run their authority against the existence of the world. Our political prophets are committed to the same discredit by their repeatedly falsified prognostications of the destruction of the country, which never *is*, but always *to be* ruined. There has not been a measure of Reform proposed within the last seven years which has not carried a dooms-day with it, according to the political seers. How often, indeed, have we been reminded of Swift's spider, which thought that the world was at an end when its web was swept away by a broom.

The course of things during the last ten years has been to our opponents a series of losses. Upon no one point have they been able to maintain their ground, both in the Legislature and in public opinion; and a continued stand in a branch of the Legislature, opposed to the sense of the country, must end in something more than the loss of the things in dispute; it is a spendthrift waste of the powers of resistance; it is sinking the vessel of the Oligarchy in the desperate attempt to save its cargo.

According to the statements of the enemies of Reform, they have all the powers of the country with them, and yet they are beaten. They are like the Russian sailors, acquainted only with the Baltic, who thought their ship bewitched the first time she drifted upon a tide in an opposite direction to a light air of wind. The Tories, and in some instances the Whigs also, reckon the aristocratic powers, which lie on or near the surface of society, as all the powers, and they leave out of the calculation the power which surpasses them all—the power which lies in

the middle classes, a power that has been rapidly rising in moral authority with the advances of mental cultivation, and which the Reform Bill invested with the largest share of the electoral privileges.

Upon every question the opponents of Reform have mistaken the voices of the classes with which they have social intercourse for the full voice of the country; and when they have been beaten in the struggle, they have railed against the effect instead of growing wiser by an understanding of the cause. Upon every question now in dispute they commit the same error. They count their allies in the Court, the Peerage, the Church, the Gentry, and the parasitical class which adopts with exaggeration the opinions of those orders, and they imagine that they sum up all the powers of the country. Their views will always be falsified by the event, as they have hitherto been falsified by events, so long as there is in them this capital error, this great omission of the main stratum of political power.

A prudent people will not, however, —

be satisfied with baffling and defeating the efforts of a persevering enemy, while the ground can be fortified against his approaches; and so long as there are breaches in the representative system there will be constant alarms, and a wasteful demand on the vigilance and energy of the people. To complete the Reform Bill according to the declared design of it, and to throw the protection of the Ballot around the suffrage, appear to me to be the steps of prudence on the part of the most moderate Reformers.

The object with which organic and other changes are advocated in the following papers, is to establish the popular control necessary to an honest stewardship in the State; or, in other words, to obtain securities for the exercise of the governing powers, in accordance with the people's sense of their interests. All good Reformers repudiate any principles which do not tend to the security of property and the freedom of industry, but they maintain that public property is entitled to the same respect as private property, and that the best gua-

rantee for its safety is to multiply the number of intelligent guardians of it. Wisely says the philosophic Tocqueville, that the most powerful, and perhaps the only means of interesting men in the welfare of their country, is to make them partakers in the Government: at the present time, he adds, civic zeal seems inseparable from the exercise of political rights, and the number of citizens will be found to augment or to decrease in Europe in proportion as their rights are extended.

A. FONBLANQUE.

LONDON,
March, 1837.

THE SEVEN ADMINISTRATIONS.

CANNING AND GODERICH, 1827—1828.

THE ELECTIONS—THE CHANGES—THE CANNING ADMINISTRATION — CONSISTENCY OF MR CANNING'S SUPPORTERS — POLICY OF MR CANNING'S SUPPORTERS — THE HOUSE OF LORDS—DEATH OF MR CANNING—LORD GODERICH—DISSOLUTION OF THE GODERICH MINISTRY—THE EXPLANATIONS —THE MYSTIFICATIONS.

Progress of Civilization—The Chancellor Eldon and the Vice-Chancellor Leach—Character of the Duke of York—Wealth of the Church Explained—Love of Office—A Pamphlet of the Old School—Severity of the Law on suspected, and tenderness for notorious, Criminals—Fines—The Magistracy—Liberty and Licentiousness of the Press—French and English Libel Law—Teachers—The Thieving Trade—Game-preserving and Man-destroying.

WELLINGTON, 1828—1830.

FORMATION OF THE GOVERNMENT—THE WELLINGTON FAITH—THE TIDE OF OPINION—SOME ACCOUNT OF THE DUKE OF WELLINGTON—THE WAY TO KEEP 'EM—PARLIAMENTARY REFORM—CATHOLIC EMANCIPATION—SIGNS OF THE TIMES IN 1829 — THE POLIGNAC MINISTRY — REPRESENTATION—PARLIAMENTARY SLAVE TRADE OF 1829—MR O'CONNELL IN PARLIAMENT—MR O'CONNELL AND THE FRENCH LIBERALS—MR PEEL—THE STAGE PRECEDING REPRESENTATION—PHRASES VERSUS ARGUMENTS—THE DUKE OF WELLINGTON'S PROSECUTION OF THE MORNING JOURNAL—APOLOGUE ADDRESSED TO THE DUKE OF WELLINGTON—THE USURY

LAWS — DOWNFALL OF THE WELLINGTON MINISTRY — LAMENTABLE FELO-DE-SE.

Legal Fictions—Examination of Prisoners—Trial by Jury —Magistracies to be Sold—Justice and Mercy—Virtue of "Respectability" — A Magistrate's "Zeal for Good Manners—Inconsistency in Moral Judgments — General Mournings—Eton Montem—Decline of Rhetoric with the Advance of Knowledge—Statesmen as they are and Statesmen as they ought to be—The Ancient Watch and New Police — Satisfactory Knowledge — Attempts to defeat Justice — Imprisonment on Mesne Process — The Scotch Judges' Salaries—Magisterial Incapacity — Comforts of the Poor — Legislation — The New [gate] School of Divinity — Newgate Saints—Noble Sports — Melancholy Case of a Duke—George the Fourth—Bourbon Claims to Respect—Paul Louis Courier.

GREY, 1830—1834.

UPON THE CLOSE OF THE YEAR 1830—ERRORS OF THE PRESS — A CONSTITUTION ACCORDING TO METAPHOR — POLITICS MADE EASY — THE BOROUGHMONGERS NOT TO BE WHEEDLED—THE PEERS AND THE REFORM BILL—REJECTION OF THE REFORM BILL IN THE HOUSE OF LORDS—DELICATE STATE OF GOVERNMENT—CONFIDENCE IN MINISTERS—THE SOOTHING SYSTEM ILLUSTRATED—THE YEAR 1831—CONSTITUTIONAL READINGS—HEREDITARY LEGISLATION—LORD GREY ON THE IRISH CHURCH—NEW MODE OF DOING JUSTICE—THE IRISH CHURCH TEMPORALITIES BILL—THE DUKE OF BUCKINGHAM'S OBJECTIONS TO THE METROPOLITAN BOROUGHS—CHURCH REFORM AS IT IS AND AS IT SHOULD BE—THE FRANCHISE AND THE BALLOT—EQUITABLE ADJUSTMENT—A KEY TO THE BALLOT QUESTION—THE FIRST SCENE OF THE REFORMED PARLIAMENT—LORD ALTHORP A THEORIST—THE IRISH COERCION ACT—THE CASE MADE OUR OWN—THE FIRST BILL FOR THE REFORM OF THE IRISH CHURCH—DISCUSSIONS ON IRISH CHURCH REFORM—A FRAGMENT FROM THE FIRST BOOK OF JUDAS

— The House of Lords—Short Parliaments — The King, the Bishop of Hereford, and Lord Grey—Lord Durham—Mr Macaulay's Defence of the Grey Ministry — Established Spectacles and Established Churches—The Church no Check to Fanaticism—Lord Grey and the Dissenters—The Jack-snipe of the Grey Ministry—Expulsion of the Bishops from the Legislature — Impressment — The Mode of Spoiling Governments — Taxes on Information — The Voluntary Principle—Discredit of the Grey Ministry — Secession of the Detrimentals — The Grey Government and the Peers — Dissolution of the Grey Government.

The Black Art — Capital Punishments — Stopping-up of Foot-paths — Pharisees and Publicans — Biography à-la-mode — Birmingham Morality — Paganini's Prices — Anticipation — The Diseased Appetite for Horrors — Neglect of Promulgation in Jurisprudence — Severity of Punishment — The General Hypocrisy — Parliament and the Press — Brutalities of the High and Low compared — Sir Francis Burdett on Collins's Assault on the King — The Imputed Mendicancy of Mr O'Connell — The Magistracy against the Beer-Houses.

MELBOURNE, 1834.

Formation of the Government—Lord Brougham and the House of Peers—The Chancellor in the North —Lord Brougham's Dinner-circuit Continued—The Edinburgh Dinner to Earl Grey—Dissolution of the Melbourne Ministry.

Frivolous and Vexatious Legislation — Law and Music.

THE INTERREGNUM, 1834.

The Forlorn Hope of the Oligarchy—Dilemma of the Duke—Waiting for Peel—How to Ruin the Tories.

PEEL, 1834—1835.

Sir Robert Peel's Accession and Lord Stanley's Re-

FUSAL—SIR ROBERT PEEL'S MANIFESTO—THE DISSOLUTION —LORD JOHN RUSSELL AND THE BALLOT—COMMENCEMENT OF IMPROVEMENT UNDER A TORY GOVERNMENT—BREAKING UP OF THE TORY MINISTRY.

...

The Bishop's Church Reform—Pantomime and Politics.

MELBOURNE, 1835—1836.

COMPOSITION OF THE GOVERNMENT—SIR ROBERT PEEL'S SPEECH TO THE MERCHANT TAILORS' COMPANY—LORD STANLEY'S DESERTION—THE IRISH CHURCH—THE HOUSE OF LORDS—RE-CONSTITUTION OF THE HOUSE OF LORDS —THE EDINBURGH REVIEW ON THE QUESTION OF PEERAGE REFORM—LORD JOHN RUSSELL'S DECLARATION AGAINST REFORM OF THE HOUSE OF LORDS—MR O'CONNELL'S PLAN FOR THE REFORM OF THE HOUSE OF LORDS —TORY ATTACKS ON MR O'CONNELL—MR O'CONNELL AND THE MINISTRY—FEUDS IN THE ENEMY'S CAMP—THE DESTRUCTIVE LORDS—REFORM OF THE IRISH CORPORATIONS —HOW TO ROAST THE PIG WITHOHT FIRING THE HOUSE—THE SESSION OF 1836—ERRORS IN THE WHIG VIEW OF THE PEERAGE QUESTION—LYNDHURST *versus* PEEL—THE NEW PLAN OF THE TORIES.

The Bitter Observance of the Sabbath—Von Raumer's England.

ENGLAND
UNDER SEVEN ADMINISTRATIONS.

ENGLAND
UNDER SEVEN ADMINISTRATIONS.

THE CANNING AND GODERICH MINISTRIES.

THE ELECTIONS OF 1826.

To a stranger, the spectacle which this country presents at a general election would be very perplexing. He would naturally ask, "How are these affairs decided?"—With a very few exceptions, by the purse, would be the reply. "If they are affairs of the purse, why so much noise?" he would rejoin; "why is there so much said; why inflame the passions; why address the reason? In every other transaction, if you are sure of your bargain, you make no more words about the matter, but pay your money down and carry home your purchase. If you bid for a sheep in the market against another bidder, your argument is the argument of the purse addressed to the seller, and you do not make a speech to the sheep, and tell him what a good master you will make, how well you will feed him, how carefully you will guard him from the wolf, and above all, call Heaven to witness that you never eat mutton;

nothing to this effect do you say, because you know that the sheep has no voice in the matter. But you may quarrel with the illustration; instead then of this example, take that of the slave in the West Indies—an apter instance: Does the purchaser harangue the Negro? No, the business lies between the bidder and the owner, and the bidder's words are of pounds, shillings, and pence. It is true that some black and some white men sell *themselves*, but these are rare cases, and the man who sells himself requires no argument but that of the purse." To this supposed observation we should reply, that Elections are certainly not disputed like these sales, for though the hinge of the contest undoubtedly turns, in most cases, on the length of the purse, yet the purse is the only thing that is never named in the conflict. Men generally delight in speaking of their weapons. The soldier talks of his sword; the sailor of his guns; but candidates never in their harangues make mention of their purses. While this one efficient instrument is, however, covertly used to accomplish the object in view, professions are paraded, which all the world knows have nothing to do with the result; but so it is, that while candidates secure the thing in one way they lay their claims to it in another. This would strike an unsophisticated stranger as somewhat odd, but it arises from the tacit homage which all men pay to reason and right, and when acting in contravention to both,

they yet always endeavour to lacker their proceedings with some colour of them. Habit has much to do with the matter. When Jonathan Wild and Fireblood sat down to play together, each knowing that the other had no money in his pocket, Mr Wild yet packed the cards, and Mr Fireblood could not keep his hands out of his adversary's pockets, each being aware at the same time that these ingenious arts were practised to no purpose, and that the knavery and the deceit were perfectly gratuitous. So it may be with Electioneering Candidates. From mere habit they declaim and profess, when conscious that declamation and professions are utterly useless as far as the end in view is concerned. There may, however, be some spice of humanity in furnishing men with specious reasons who are compelled to lend themselves to bad practices. When the voters of a Borough-proprietor are driven like geese or turkeys to the poll—we had nearly written the market—there may be some humanity in providing the poor things with a cry which may give an air of partizanship to their compelled actions. All men desire *words* for deeds. Shakspeare makes Roderigo insist on having "*reasons*" for the assassination of Michael Cassio. There is something exhilirating too in noise, and all animals accordingly have their cries. The turkey gobbles; the goose cackles; the ass brays; the electors, in *preserves*, cry *No Popery*.

One of our Contemporaries, whose opinions we respect, lately declared, that the future welfare of the country would depend much on the intelligence and independence of the New Parliament. "If we were indeed assured that our welfare depended on these unparliamentary qualities, we should despair at once; for we see no shadow of a reason for supposing that one Parliament will, under the present system, differ in any essential particular from another. Slight changes there will of course be in the composition of the House; but the grand material will remain the same, so long as it is produced by the same causes; and looking at the varions polls with the most favourable eye, we yet cannot discover any promise of more than the usual very limited supply of *intelligence* and *independence*. But still, wherever the people have a voice in the election of their Representatives, we would not have them relax in their exertions, because they so slightly influence the general result: where they have power, they will do themselves both honour and service by showing that they know how to use it; and in all cases the exhibition of public sentiment is salutary, even though unattended with immediate success. Let the friends of the good cause do what may lay in their power, without being discouraged by the disproportion between that which *is* done, and that which remains *to be* done. Men who wait for great powers for the accomplishment of great

objects, never effect any thing; those who unremittingly make use of the apparently inadequate means within their reach, work what are called miracles. A traveller observed a poor Englishman day after day incessantly patrolling the streets of Geneva, in great distress of mind; on asking him the cause of his trouble, he answered that he wanted to get home to England, but that he had not the means of paying for any conveyance. "My friend," replied the other, "if you had daily "walked in the direct way towards the object of "your wishes, the distance you have daily walked "in despair about the streets of Geneva, you "would have been at your journey's end before "this time." Let us be wiser than this poor man; and instead of being filled with despair by the length of the distance between us and our object, let us endeavour steadily and perseveringly to gain the comparatively small space of ground immediately before us, neither discouraged by real difficulties, nor resting our reliance on vain hopes, and trusting to nothing but our own energies and constancy, which will carry us, with small means, to the attainment of great objects. Do not let us for a moment deceive ourselves with expectations that Parliaments will spontaneously *improve* to any purpose;—to look for such an event would be like the conduct of the foolish swain in Horace, who waited at the banks of the river until its waters should run out, and allow of his passage

over. While the sources of corruption continue to flow, Parliaments will roll on in the same course; but the people would be to blame if, whenever they had the opportunity, they did not do their best to tincture it with some portion of wisdom and honesty. If the mass of the people have not the elective franchise, that small portion of it which enjoys this right should demonstrate how wisely it can exercise it. This, it is true, will not much affect the composition of the House, but it will raise the character of the people; and by that they must at last prevail.

THE MINISTERIAL CHANGES.

[In February, Lord Liverpool was struck with paralysis, and as it was soon certain that he never could resume the duties of office, it became necessary to re-construct the administration under another chief, and Mr Canning had the King's commands to make such arrangements as he thought advisable. When it was known that Mr Canning was to be at the head of the ministry, seven of the then Ministers, the Duke of Wellington, Lord Eldon, Mr Peel, and Lords Melville, Bathurst, Westmoreland, and Bexley, resigned, but the last repented of the rash act

W. Read, Script.

Geo. Canning

Engraved by permission of the Rt. Hon. Dr. Colman, M.P.
from the Picture by Sir Thos. Lawrence, R.A.

withdrew his resignation, and held office under Mr Canning. The administration ultimately formed was composed of the more moderate and liberal Tories (for so Lord Dudley, and Lord Lyndhurst who was raised to the woolsack, were considered, and justly considered, in those days) and Whigs, Lord Lansdowne and Mr Tierney, taking seats in the cabinet, and Mr Abercrombie accepting the appointment of Advocate-General. The secession of the Tories, with Lord Eldon at their head, was looked upon as a great purification, and the hostility of such men to Mr Canning, raised the most favourable presumptions. Mr Peel was the only one of the seven whose resignation was at all regretted, and many then thought him fit for better things than faction. The seceders had miscalculated their strength, and their false manœuvre gave the first shock to the Tory party.]

Explanation has been the order of the week. The Seven have made their respective defences, in which they assure us, upon their words of honour, that their simultaneous gay movement was purely accidental, and that they leaped to the same conclusion, at the same time, and from their several places, without any kind of concert or agreement among themselves. Such curious instances of coincidence of sentiment and action, where there has been no communication, certainly do sometimes appear, and they have indeed given

occasion to the proverbial remark that *wits jump.* Lords Bexley, Westmorland, Eldon, Melville, Bathurst, and the Duke of Wellington, were undoubtedly never suspected of being wits while in office, but the accord with which they jumped out of it would go far towards fixing this character on them under the terms of the proverb. It was beyond all question the most original thing they ever did in their lives, and the only action serviceable to the public which five out of the Seven ever performed. In this view of the matter, it is not a little grievous that they should be blamed for it; and we cannot deny that their predicament is altogether one of peculiar and singularly complicated disgrace. To go out was the most meritorious step they could take, and yet they have contrived to go out in such a manner as to make their first service to the public also their crowning offence against honesty. Discord was long the reproach of their Administration, and concert is now the accusation they have to repel! Incapacity has for many a day been imputed to them, and in their very last act they would fain disavow "any common understanding!" Alas! never surely were there more unlucky dogs. They have retired from the councils of their Sovereign in the spirit and with the felonious design of burglars breaking into his cabinet; their harmony has never appeared but in intrigue, and "any

common understanding" was never ascribed to them except in a conspiracy against the Sovereign and the People.

It is quite unnecessary to go through the *explanations*, as they are by courtesy termed, of these worthies. They are all about as much alike as the action to be explained, and resolve themselves into this,—that the parties cannot abide Mr Canning, and that upon his promotion, without any sort of communication, they severally and separately came to the common conclusion of throwing up their offices, against the law of gravity, which for time immemorial has glued Tories to their places. Such is their tale; and the Marquis of Camden observes on it, "that "so far from matters having gone wrong from "any cabal, it appeared to him a matter of "surprise that there had been so little commu- "nication between the Members of the late "Administration. It appeared to him that there "was not even that ordinary and common inter- "course which ought to subsist between Members "of the same Government. If such an inter- "course had subsisted, much of what occurred "might have been averted, as it resulted, in a "great degree, in his opinion, from a want of full "and perfect understanding between the parties."

Lord Lansdowne concurs in this opinion. "With respect to the charge and imputation of "conspiracy, for his part, he was of opinion there "was no ground for such an imputation; on the

" contrary, he felt great surprise at the almost total " absence of communication which subsisted among " the Members of the Administration, according " to the explanations of the Noble Lords them- " selves. Indeed, from the slight intercourse that " subsisted between them, no person would suppose " that they were engaged in arrangements on the " result of which depended the future fate of " England. It was indeed, in his opinion, a re- " proach, that there was not a fuller and more " perfect understanding between all parties, whereby " much inconvenience might be avoided."

We incline to think that the rest of the world will rather say, " Methinks the lady does profess too much," and hold that too much has been proved for probability. Appearances argue concert; and the total absence of ordinary intercourse and communication is pleaded. This has much the air of an Old Bailey defence. It is the notorious policy of certain persons, not to be named with Ministers of State, when they know what is to be done, to be chary of discourse or communication about it. If a man with a purse in his pocket fall in their way, each hand is raised for plunder simultaneously, and with as much alacrity and precision as if they were moved by the word of command. When William Soames and Nimble Ned are afterwards under examination for hustling, they protest that they never met together in Rosemary lane, or had any communication about robbery; and that, as for their

chancing to be on the spot where the gentleman was maltreated and robbed, it was a mere coincidence, in which persons, time, and place, were all purely accidental. Like Lord Eldon in the House of Lords, such is their confidence in the absence of direct evidence, that at the bar of the Police-office they boldly challenge trial, expressing their honest conviction that no twelve men will bring in a verdict against them. In the temperate and dignified terms of the ex-Chancellor—or, what is almost the same thing, in the exact words of the Fox in the fable—they cry to their accuser,—

"Prove I'm a thief—
You dog, you lie."

Now all that we have to say to this is, that they gave their roguery "an understanding, though no voice." Mr Canning seems to be of this opinion, too, with regard to the Seven; for though he does not doubt the gentlemen's words—who can?—he cannot help to the last considering "*the coincidence as singular enough;*" he declines calling it concert, but he evidently thinks it a marvellously good jump,—a kind of ballet, in which the performers go through a series of combined movements without speaking a word, timing and toeing it in exact accord, by their common knowledge of the plot, and without requiring any immediate direction.

As straws show the set of the wind, we regret to see by the newspapers that his Majesty presented

Lord Eldon with a vase on his retirement. When the little Old Man of the Island, in a moment of intoxication, relaxed his gripe of the long-abused Sinbad, lost his seat, and fell to the ground, Sinbad did not in token of his regard give him the cup, but he took up a stone and very discreetly beat his brains out, lest he should betray more men. Practically speaking, we would not desire his Majesty to imitate this example, because it may not be exactly the Court etiquette that the King should break the head of the late Lord Chancellor; but typically speaking, the precedent is a good one, and that which ought to have been imitated in a case strictly analagous. One thing only can reconcile us to the gift of the cup, and that is the assurance that it was presented as the stirrup cup of old *on parting*, and with these words only of kindness, "Eldon, I love thee well; but never more be officer of mine."

The new Opposition have taken the field, and their tactics are worthy of their characters and parts. That factious nobleman, the Lord Eldon, threatens to bring on the Catholic Question at once, hoping to crush the young Administration under the united dishonesty, prejudice, and ignorance of the country. This must be resisted. We frankly avow, that we do not like Mr Canning's late jesuitical remarks on the subject; but we see, and all other men will see, that Ministers must have time to pioneer the way for the work, and to

remove the present but not permanent obstructions which offer no slight or despicable resistance to the accomplishment of it.. We do not desire them to knock their heads against the wall in the pursuit of a grand object, to the prosecution of which they are in honour pledged, but they are bound to devote themselves to the removal of the opposing barrier with all the dispatch and industry consistent with prudence and their means.

THE CANNING ADMINISTRATION [1827.]

In common with our liberal contemporaries, we rejoiced at the overthrow of the Eldon faction; but we are not prepared to share in their intoxication of joy at the ascendancy of Mr Canning, and to augur with certainty the regeneration of the world from his elevation to power. For many years we have been accustomed to see in Mr Canning the virulent enemy of Reform, the apologist of the cruellest oppression, the advocate of every abuse, the approver of every job; and as we are not believers in sudden conversions to virtue in the fifth act of life, we can discover no reason now for assuming him to be other than he has always appeared. If he has had *a call*, a new birth unto righteousness, the blessed change

in his political man must have been of very late date. And if he has been throughout, as some seem to suspect, a friend to the people in disguise, we should apply to him the remark of the hacknied epigram—

> "Perhaps it was right to dissemble your love,
> But why did you kick us down stairs?"

His blows certainly have been of a violence which raise a strong presumption of their sincerity; and looking at the various bruises which the popular cause has received at his hands, it is difficult to imagine them the favours of a masked battery of friendship. Nevertheless, though we dissent from the extravagant estimate formed by our contemporaries of Mr Canning's merits—though we refuse to regard him as a political Messiah, we are ready and glad to admit, that in the substitution of his rule for that of his late bigoted and despised colleagues, a comparative benefit of great value is obtained by the nation. He is not all that we wish—they were all that we hate. He has the merit of casting out these devils, and it is enough for us that they are not ejected through Belzebub. The unclean spirits have rushed in their swinish shapes and swinish manner on destruction, and we thank the purifyer for this signal service, but refuse to acknowledge, like our contemporaries, his divinity on the score of it. Still we grant that there are many circumstances which may raise reasonable and happy hopes of the future career

of Mr Canning. He is far, very far, from insensible to honest fame, and the whole world rejoices in the ascendancy of his genius, and regards it—we stop not to inquire with what rationality—as the star of promise: Can he belie this faith? can he wholly disappoint these expectations, so glorious to himself? We trust and think not. He has powerful incentives to good, and if he do but give the reins to the noblest ambition, he may expiate ten thousand-fold his past offences, and found a grand renown on the benefit he achieves for mankind. If, on the contrary, he attempts to retrace his steps, or to halt where he is—attempting to trim the balance between two conflicting principles—he will accomplish nothing but his own infamy. Revolutions, as Napoleon observed, do not turn back, and affairs have taken a course which will not allow of a re-turn. The policy of the country is in a state of projection, and cannot be resolved into its former essence. If our alchymist takes fright, he may disturb the process, but he cannot revoke it; he may abandon the gold, but he cannot restore the lead. Whether Mr Canning is likely to pursue the course which many lucky chances and singularly happy conjunctures have opened for him, we cannot pretend to conjecture. Our hopes are founded on his love of fame, our fears excited by his love of place. We are apprehensive that he will not stake his power and fortunes on the great battle which, if fought with courage and conduct, whether he gains

or loses, will win for him the esteem and gratitude of the world. There are appearances which have made us distrust the breadth of his views. He is intent on hedging himself in, and too indifferent to the character of the means. He attaches too much value to aristocratic connexion, and, in courting great families loses sight of the interests of the country. The public service ought to be regarded by him as the only end of his own power, but he has already in repeated instances sacrificed that end in the means of securing his power. Let him beware, after all, lest he fortify himself after the manner of Sancho Panza in the island of Barataria, who, when armed cap-a-pie for defence, cased in iron from top to toe, found himself unable to move hand or foot by reason of the weight and restraint of his armour. He was fettered, clogged, and disabled by his very muniments,—so it may be with Mr Canning and his aristocratic incumbrances. We would not, however, give way to gloomy anticipations, or allow past impressions to colour our views. Mr Canning is not, we believe, *a new man;* we have no faith in his new birth to righteousness; but he is in a new position, and we are not without hopes from the new motives that belong to it. As he bears himself on his advancement, we shall esteem him. To address him in his own manner,—

"Ut tu fortunam, sic nos te, Celsé, feremus."

We shall endeavour to watch his course unin-

fluenced by prejudice or predilection. If his intentions are good, he is now where he cannot but develope them; a thousand touchstones will discover the soundness or the rottenness of his principles.

The negotiation with the Marquis of Lansdowne has furnished ample matter for the discussions of the Press. Strange to say, the leading prints have agreed that this union is absolutely necessary to prevent the return of the Seven Sages to office,—thus supposing the King destitute of the common measure of decent pride which belongs to humanity, we are willing to hope, in every shape and condition; and they reproach Lord Lansdowne for his hesitation, as if he were endangering the safety of the nation by holding out for a single hour against the solicitation of his suitor. His Lordship is understood to have objected to joining a Cabinet divided on the measure of Catholic Emancipation—a want of union on a vital question which he and his party have always reprobated. The Journalists conquer this difficulty by an argument resolving itself into the position, that principles should not stand in the way of place. Expediency, they say, must determine these matters. Parties must not be too rigid in their virtue, and must, above all, consider the vast services they will render in office—the benefits they may confer on the world—and weigh these things against the assertion of a dry and abstract principle, as unprofitable as Falstaff's honour. These

arguments ought to be solid, for they are those which have been used for compromises since the beginning of things, and which are held sufficient or insufficient, just as the individual happens to be a friend or an adversary. If we think highly of the man, of course the State absolutely requires his services, and his scruples must give way to expediency. If we think meanly of him, the State does not require his services, and there is no expediency to warrant the surrender of a single atom of principle.

THE factious fury of the Outs is now subsiding; their heat is cooling under the contempt of the country, and as their mad onslaughts cease to provoke counteracting measures, we trust that public men will be enabled to take up their positions according to their avowed principles and views of general policy, relinquishing the more narrow basis of operation demanded by the temporary and particular exigency. The friends of the people have hitherto had to defend the gates of power against the common enemy (of mankind we might say): as this service becomes no longer necessary, they will see the wisdom of resuming their independent stations of observation, where they will be free to oppose the Government should occasion arise, and to aid it also with the best effect when it deserves their support. The condition of Ministers and their new allies has been this: a foe

equally dangerous to both parties has attempted to extirpate the one; and the two have therefore united to beat their common adversary out of the field. With the accomplishment of this object the systematic confederation should end, and the future extent of their agreement ought, on the part of the Whigs and Reformers, to depend upon the merit of measures. The united moderate Tories and Whigs will differ occasionally like man and wife, but like man and wife they will join cordially together in assailing those who meddle in their disputes with a spirit and purpose equally dangerous to all society. We may possibly find Mr Canning not in all things all that we could desire, but it will probably even then be a point of wisdom to bear with him rather than to allow of the intervention of a greater evil. The Old Man in the fable, dissatisfied with his burthen, invoked Death to relieve him of it. Death came readily at his bidding, and the Old Man liked his manners so little, that he assured him he only called upon him to adjust the burthen on his shoulders. Bacon remarks upon the apologue, that "it does not fol-"low that because Death, which was the privation "of the burthen, was ill, therefore the burthen was "good." If we find our shoulders a little galled now and then by our load, we shall not be tempted to invoke Eldon and Wellington—Sin and Death —to relieve us of it; nor shall we, on the other hand, fall into the error of supposing that, because

they are extreme ills, the burthen is perfect good. At the present moment of excitement,—of intoxication, with a good spirit indeed, but still intoxication,—this is too much the manner of judging. Because the faction is black as night, Mr Canning is bright as day—*sans tache et sans reproche;* because all which his enemies have in view is vicious, nothing is expected from him which is not beneficial. If this fallacy leads to a blind party support of Mr Canning, it will lead to a very great mischief. The North road is undoubtedly not the way to the Land's End: it does not, however, thence follow, that to travel due South is the right course. Well has the great authority we have quoted observed, that "the method of judging by "contraries makes another's folly the master of "one's own sense." A determined opposition to bad may be taken up on a ground not the most consistent with good. We deprecate all thick-and-thin alliance, except in the very hour of vital conflict, such as that which is just passing away; and this crisis over, true policy requires a qualified and discriminating support of Government—carefully excluding all unnecessary topics of embarrassment and entanglement, which may give advantage to the enemy, without surrendering sound principles, or abandoning objects, the ultimate promotion of which every honest and intelligent politician has deeply at heart. Mr Canning has raised the hopes of the advocates of a better system, but he has

not, cannot have, their *confidence*. We would not involve him in any perplexity just now; we would leave him free as air to assure himself of his ground, to establish his power, and then will be manifested the use he is disposed to make of it—in a word, we would fairly *try*, not implicitly *trust* him.

Since these remarks were committed to paper, Lord Grey has declared his sentiments on the present state of things,* and in some of his views we entirely and cordially concur. His Lordship avows that his principles are most decidedly opposed to the existing factious Opposition, and that he will forbear from any proceeding which may promote the return of those men to power; at the same time he confesses, that looking back on the past career of Mr Canning, he can place no confidence in his Administration, and cannot pledge himself to its support, except when its measures may accord with his principles. So far, this is we think the true ground which a friend of the people should occupy, renouncing partizanship on the one hand, and faction on the other, and taking the public interest for his guiding-star. But we differ in degree with his Lordship respecting the hopes to be entertained of Mr Canning, and under circumstances we doubt the

* This was Lord Grey's unsparing speech in the House of Peers on the 10th of May 1827, which was severely felt by Mr Canning.

wisdom of reciting the catalogue of his past offences as arguments against the expectation of any future good. We repeat what we have observed before, that new motives belong to the Premier's new position, and that those motives radiating from self-love, fortunately tend to the public advantage. It is possible that Mr Canning may be blind to his true policy, but it is at least as probable that he will perceive it, and discover that its direction lies with liberality, and identifies his private interest with the cause of the people. He has the alluring opportunity, rarely offered to a Minister, of founding the glory of a Crown on the welfare of a nation. George the Fourth may yet be rendered the most popular Monarch that has ever sat on the Throne of England. Though not much of a Saint in some particulars, he may yet go down to posterity as the political St Patrick, who delivered us from the most obnoxious reptiles that ever infested a soil, and plagued a long-enduring people. This Mr Canning may not see; he may endeavour to trim between two opposite interests, to shape his course between wind and water; if so, like that unhappy creature the flying-fish, he will find no safety or rest in either element: if he takes to the Aristocracy, he will be pursued by the People; and when he drops into the more solid element to restore vigour and expansion to his shrivelled wings, he will be persecuted by the Aristocracy.

CONSISTENCY OF MR CANNING'S SUPPORTERS.

WE cannot see that there is as yet any ground for entertaining the charge of inconsistency which is preferred against those public men who have the greatest claim on the confidence of the people by those who have the least title to their respect. There are emergencies which suspend the ordinary principles of action, and until those emergencies have ceased, it is idle or worse to found accusations on departure from established routine. When the Imperial Palace of Lilliput was in flames, Mr Lemuel Gulliver, feeling that it was no moment for punctilio, adopted a measure to keep down the flames, which, under any other circumstances, he would have died rather than have contemplated. What did this prove? that Gulliver wanted modesty? No—that he judged the extinction of a conflagration a paramount object. That end accomplished, he returned to his natural habits of decorum, which were, as every one knows, of remarkable strictness. The Lilliputians grounded upon this incident a capital charge against Gulliver. The Lilliputians were a very little people. They doubtless held with Moliere's Doctor, that it was better to perish according to rules than to

benefit by a departure from them. The Captain of the *Kent* Indiaman, when the flames were raging in the hold of his ship, opened his lower deck ports to a rolling sea, which pouring in by tons, seemed as if it would founder the vessel. What would have been thought of the wits of the passenger who had at this crisis assailed him in these terms:—"Sir, it is plain from the conduct "you are pursuing, that it is your cruel intention "to destroy us all. You have yourself repeatedly "declared, in the course of the voyage, that the "principal object in the construction of a ship is to "keep out the sea, and you are now opening your "ports to it. What horrid inconsistency is this! "How murderous must be your purpose!"—The Captain insists on the necessity of keeping down the fire in the hold. The passenger cannot deny the existence of the fire, but dwells on the main purpose of ships, and the contradiction of letting water into contrivances made to keep it out. A yet apter illustration to the same effect occurs to us. The Thames has made its way into the Tunnel. Let us imagine, as we hope and expect, that the able Engineer stops the leak, and pumps the passage dry. Will the shareholders reproach Mr Brunel, or accuse him of breach of contract, if he does not forthwith pursue his work? His object is to penetrate to the other side of the river, but before he advances one inch, he must secure his work, himself, and his people, against

another irruption of the destructive tide. He sees the insidious element oozing through — dribble, dribble, drop, drop — like the slip-slop, wishy-washy, half-mud half-water, speeches of Lords in the Upper House, and his first care is to prevent the recurrence of a mischief which would for ever obstruct the design in view. A party interested in a neighbouring ferry says to him, "Oh, you "are a pretty fellow for an engineer! you have "not advanced an inch since you pumped the "water out. You are a rogue; you have aban-"doned the work you are engaged to prosecute." Mr Brunel replies, "No—I am securing it; I pause to make it safe to advance," We shall try our State Brunels as we would try the Engineer himself. Just now they can do nothing but throw some tons of clay to bind the loose soil over their heads, but should they remain idle when this object is accomplished, and the danger of another irruption is obviated, we shall hold them deserving of all the odium that belongs to the vilest perfidy. At present we have no grounds for forming an unfavourable judgment, as one or two minute indications of a displeasing nature are counterbalanced by our general faith in the characters of those who have discovered them; and the most honest men may err in shaping their course of policy at a crisis so full of difficulty as the existing one, overrating the force of circumstances, and perhaps a little un-

derrating the value of principles. This is also a moment of excitement, and men are even yet too joyful to be quite rational. In 'Fortune's Frolic,' a clown, suddenly raised to rank and fortune, in the intoxication of his joy, damns the dumplings which were before his favourite meal, and scatters them about the room. There is some of this "damn-dumpling" spirit among our friends in the House of Commons, and they seem to shew the excess of their ministerial liberality by making light of objects formerly regarded as of the first concern. Reform in Chancery has shared the fate of Robin's dumplings, and has been thrown about the House with marvellous contempt. This effervescence will, we expect, soon pass off. Many a grave gentleman in an excess of joy throws away his wig, and flings his stick at the thing or being he most prizes; but, the ebullition over, he re-adjusts his scratch, applies his crutch to the support of himself, instead of knocking down his friends with it, and resumes his accustomed propriety of demeanour and carriage.

The charge of inconsistency preferred against Sir F. Burdett, is, in our opinion, like the other similar charges, up to this hour unsupported by any sufficient evidence. He has said severe things of Mr Canning, and he now supports him: in doing these two apparently contradictory things he may yet be consistently pursuing the

end which he has had in view—the public good. Æsop's Satyr, who had afforded hospitality to a half-frozen traveller, observing him blowing upon his fingers, asked him why he did so? "To warm them," was the man's reply. Having set a basin of hot broth before his guest, the Satyr remarked that he blew upon it too, and enquiring the reason? the traveller answered, "to cool it." Upon this the Satyr in a rage turned the man out of his house, remarking that he would never associate with a fellow who blew hot and cold with the same breath. The Satyr was obviously in the wrong. He judged rashly from an appearance of inconsistency, not considering that the fingers were too cold and the broth too hot, and that the breath which warmed the one and cooled the other—the medium between the two extremes—was the same in temperature at each period. If men live with Satyrs, creatures half-man and half-brute, they must be careful how they blow hot and cold with the same breath—they must lose their fingers from frost, or scald their stomachs with boiling broth; but if they associate with rational beings, they will calculate on a consideration of circumstances in connexion with actions.

POLICY OF MR CANNING'S SUPPORTERS.

[It appeared to the writer of the 'Examiner,' that the support of Mr Canning was taking an injudicious turn, and that the Liberals, with the notion of protecting him, were strengthening his faults—to this error the following paper was addressed.]

It is probable that the short remainder of the Session will not produce any fresh political demonstrations. The Opposition will doubtless be well satisfied to close the campaign with the *éclat* of a signal stroke of mischief—the defeat of the Corn Bill; and the Ministry will continue to repose on the credit of its intentions.

The Administration is big with excellent designs, and its tender nurses demand for it in respect of its delicate situation the most unbounded indulgence during the period of gestation, and a suspension of all useful works. Madam must do nothing lest it should hurt her. She must lie on a sofa, and be fondled and caressed by her Whig consort, who must give way to all her whims and fancies, and anticipate her longings and nonsenses. Hint to the gentleman

that it is not becoming to see him acting so uxorious a part—to see brother Bruin suddenly transformed into Jerry Sneak, and he excuses himself by urging that every respect is due to the dear creature's interesting situation, and that after she has been fairly delivered of the good she has conceived, he will be a man again. Now we have to remark upon this apology, that many a healthy constitution has been destroyed by such refinement of care, and many a disposition generally excellent spoiled by such pampering and encouragement of its little failings. Further, we must observe, that though Madam has undergone considerable aggrandizement about the waist, it is yet by no means certain whether she is big with a bairn or a bolster; and if it should prove the latter, after all the fondling and the foolery of the doating Whig consort, after the rapper has been tied up, and the straw laid down, and Joseph Hume thrashed for making a noise in the street which might or could disturb the sweet love, and after the midwifery and the nursing, and the fuss and the nonsense, the making of baby-clothes and the parade of the cradle, and loud outcries on Juno and Lucina for help in the hour of parturition — after all this *ado*, we say, a pretty "shrunken and wooden posture" (to use Bacon's expressive phrase) the good-man's face will be in if his other half should in due season be delivered of nothing but a bundle of feathers, with

which she may have stuffed herself out to work on his tenderness. That such will be the case we by no means intend to aver; but there are conjunctures at which ladies find it convenient to be in the family way just for the sake of gaining time and sympathy; and a prudent man should be careful lest he commit himself too far on the strength of embryo good, pleaded at trying emergencies. Madam may be fairly big with excellent things; but whether she is so or not, we think that her consort is more fond than judicious in his nursing. All her failings he encourages by his pernicious system of *coddling* and coaxing. To drop metaphor—however friendly and honest in motive may have been the course pursued by the supporters of the new Government, we are persuaded that so far as it has gone, one more injudicious, or more dangerous to the object in view, could hardly have been devised. The leading Whig supporters have discovered on several occasions a disposition not merely to yield to the bias of Mr Canning's politics, opposed to the popular sentiment, but actually to outrun it. In doing so they have doubtless imagined that they were serving him at the present moment; but we are sure that they were entering on a line of conduct which must, if pursued, be equally fatal to him and to themselves. They find Mr Canning like a rolling stone at the top of an eminence, and they grub away the earth from under him on the side which

declines to evil. He has a bias for the good road or the bad, but, indulging his worst inclination, they remove the resistance on the side of the bad, and this they do supposing that they are conferring a kindness, as foolish parents make their children sick by cramming them with the surfeiting sweets they like too well for their health. The true policy of Mr Canning's Whig supporters is to present in their principles a firm resistance to his Tory propensities—a resistance which may not only keep Mr Canning in his true place as a liberal Minister, but which may serve with his Tory adherents as a reason of necessity for his occupying that ground. When pressed to roll on in his old career, he will, if well disposed, be glad of the opportunity of objecting, "How can I do so when my Whig allies obstruct my descent on that side?" but if, instead of this course, the Whigs play the *avant couriers* on the Minister's old road, how can he refuse to break his neck in following their lead, only too agreeable to his formed habits of thinking, and the prejudices of those to whose approval he cannot be supposed to be indifferent. When those who are expected to restrain show the way, a man can offer no excuse for making a stand to those who are urging him on. The sober individual who desired to reclaim, or to strengthen in his reformation, one over-addicted to wine, and long associated in habits of intimacy with downright topers, would make a bad beginning were he to commence

by proposing to knock the stands off the wine-glasses and fill bumpers; the bibbers would surely exclaim—"When Mr Drinkwater suggests this jolly Irish fashion, who can decline?"

We are persuaded, that in showing a disposition to give way to Mr Canning, his Whig supporters have acted according to their ideas of the demands of public policy. To assure him of their assistance, and firmly seat him, are their main objects, and when these things are accomplished, they trust to his own judgment and liberality for the rest. But we think they are, in the course of complaisance referred to, incurring two dangers, that of hazarding their own characters—for the public judgment on *appearances* is often rash and hasty—and of encouraging the bias of Mr Canning's mind, which sets against the ultimate object they have in view If they make a wreck of their own now honourable reputations, by a seeming desertion of principles, they will lose their influence, and the Premier his best moral support: and if they set him once rolling down the hill on the wrong side, no power on earth will be able to prevent his fall. He cannot be indulged with a short trundle on his favourite way; for ten thousand times the force which may first gently jog him on the slope, would not be able to check his headlong descent when set in downward motion.

THE HOUSE OF LORDS.

[The following paper was published some years before the character and constitution of the House of Peers became the subject of common discussion :—]

If the late political changes should be attended with no other advantage, they have yet effected a great good in the discovery they have brought about of the true character of the House of Lords. To thinking men indeed, the character of this assembly could be no secret at any time; it was argued *à priori* from its constitution—it was seen that wherever power is lodged without responsibility, the power is given for the benefit of those who hold it. But the world is not filled with thinking men; the majority take their opinions without examination from current authorities, and unfortunately from Blackstone more frequently than from Bentham. To persons of this stamp, the late pranks of the House of Lords have proved extremely instructive; they have made the most careless and thoughtless inquire into the utility of one of the three estates, and it is one of those inquiries which once instituted can only be attended with one conclusion. The difficulty is to

set the intellects of men at work on these subjects, not to direct them to the right result when once they are employed. The strong-holds of delusion are half reduced when we have broken ground against them. Thousands would for years be satisfied to hear, and believe because they hear, that the House of Lords is an all-wise balance between the Crown and the Commons, a bulwark between the Prince and the People, and so forth, and would never trouble themselves to inquire what known principle could make this body a balance or a bulwark—what obligation compelled it to fulfil such an office? what impulse from within or without caused it to tend to the alleged effect? But when the balance shows that it decides according to weights of interest neither in the scale of the people nor of the Crown, that it has a little private standard of its own, by which it trims its beam; the most incurious become anxious to scrutinize its machinery, and to pry into the vicious principle of its construction. This search once commenced, the result is inevitable.

A child treats its doll as a living creature, dandles and fondles it, gives it the air, dresses and undresses it, and puts it to bed. Some unlucky day it espies a little of the bran oozing out of its valued form; curiosity is set at work—how is it made, is the question—research begins—the opening in the seam of the puppet is increased, the stuffing pours out, and the plump and specious form of the idol

is reduced to a trumpery piece of sewn leather, turned inside out, and cast with contempt away. Our grand State Puppet has been provoking this process of investigation; it has been letting its bran out, and the minds even of the little children of society have been set to work to see whether there is anything better in it. The stuffing of self-interest has escaped in a most unequivocal way, and the idea occurs to the simplest understanding, that by that substance only it is shaped. It is then seen that this boasted body, the Hereditary Legislature, is entirely insulated in power, and free even from the shadow of responsibility. The Commons are in some slight degree responsible to the people; and the name, the mere name, the *name* still, of responsibility, hangs over the servants of the Crown, the King's Ministers; but the Lords are untroubled with responsibility in substance, shadow, or name. They have power on the most golden terms, power without the necessity of qualification for the use, or responsibility for the abuse of it. Such a body, standing alone as it does, answerable in no quarter for its conduct, not only unrestrained by any substantial check, but not even reminded of its possible fallibility by any nominal one, must, according to the nature of things, prefer its own interests when occasions arise, with an audacity and contemptuous disregard to the sentiment of society, which can be hazarded in no other branch of the state.

Its members are independent of the people, and independent of the King, who can make but not unmake them; and consequently they can at pleasure set both the people and the King at defiance. Nor can this surprise us: if we confer power without responsibility, we cannot be astonished to see it exercised without justice. Despots, little and great, many and few, will of course consult their own pleasure, and sometimes that pleasure happens to be good, sometimes bad; the good and the bad are matter of chance, of lottery, from which hap-hazard work a wisely-constituted government rescues society. When their individual interests are not concerned, it is the nature of men to be just; but our House of Lords, our Peers, are deeply interested in the perpetuity of most of the abuses which the people are interested in abating. Many men there are undoubtedly among them, proof against narrow sinister influences, who pursue the good of their fellow-creatures as their sole object, and earn in the respect and love of mankind their meet reward: such, however, are those superior natures—the moral like the physical perfections—whose number in every class we know from experience to be extremely small. We may calculate on their presence, not on their preponderance. In such an assembly as the House of Lords their virtue does much honour to humanity, but it serves in no degree as a corrective to the

principle of that Chamber's organization, incurably vicious.' We say incurably vicious, for, beginning with the absurdity of assuming a certain number of men qualified by birth to discharge duties requiring rather more intellect and as much study and practice as chemistry or mechanics,—beginning, we repeat, with this absurdity, there is none at which we can stop. If we allow the accident of birth to give the qualification, death alone can consistently take it away. When we look at the individuals, they do not in any degree shake our faith in the abstract reasoning on the constitution of this Assembly. The Duke of Wellington, who shines in Corn Amendments, is not an hereditary legislator indeed; he was *created* a legislator; and why?—because he was skilled in legislation? No, because he was skilled in something else—fighting. Why, pursuing the same principle, may not a man be raised to a place in the College of Surgeons, because he has distinguished himself as a painter or a poet? There is this difference, indeed, that we should be under no necessity of employing the Royally-made Surgeon, while the Royally-made legislator will legislate for us, whether we like it or not. In respect of his late *escapade*, almost everybody acquits the Duke of Wellington of any unfair play, and the whole mass of error and absurdity and mischief is laid to the account of his Grace's head, which would seem of

a bomb-proof structure—a sort of block-house—admirable, no doubt, for resisting shot and shell on the field of battle, but rather too impenetrable for the purposes of reason in the Senate. And this man is a legislator, and privileged to beget a line of legislators of a capacity in all probability more doubtful than his own! So much for wisdom. Then in the Duke, who has married an elderly lady of great fortune for *love*, we have the living evidence of that disdain of vile, sordid, pecuniary interest, which may be expected in men of this noble class! Without meaning anything unkind to the Duke, we must say that we wish, from the bottom of our hearts, that a liberal Earl of high poetical influence had married the rich elderly lady, instead of wedding himself to the Corn Amendment. Perhaps it would have been the same thing to his Lordship, and certainly better for the country. We would, in truth, much rather find the whole House in rich, crummy widows, than let them meddle with our bread. The wisest thing that the Commons could do, would be to send up to the Lords, with the next year's Corn Bill, a vote of rich widows to the holders of mortgaged or impoverished estates.

DEATH OF MR CANNING.

THOUGH we differ from our Liberal Contemporaries in estimating the character of Mr Canning, we cannot but deplore his loss, at so critical a period, as a national misfortune. The key-stone of our triumphal arch has fallen to the ground:—as a stone its worth may have been small—its position gave its value. Mr Canning was the binding power of the new Administration; he held and compressed it together. At his sudden removal, we naturally tremble lest the fabric should crumble to pieces. Were we sure that it would survive, that the vacant niche would be worthily filled, we should be inclined to account the death of Mr Canning a calamity of comparatively minor importance. The government of the country may go on better for the people, better for its own honour and harmony, under the guidance of a man, if of less genius than our departed Premier, also of a less mottled political complexion of good and evil. Had he lived, Mr Canning must have been clogged by his past conduct in his future career. It has been observed by the ablest of our contemporaries, that when he committed himself to hostilities with the principles of liberty, he was a young man led

by authority and circumstances; and that since his emancipation from the thraldom of the High Tory party, when he has been free to follow the bent of his own mind, he has ranged himself on the side of generosity, justice, and rational freedom. There is undeniably some truth in this remark. The subservient Mr Canning and the dominant Mr Canning were different persons; but the dominant Mr Canning, though he had broken his chain, had a piece of it hanging about his neck, which the enemies of the people could make a handle to check him in the race of improvement. He was not

> . . . . . in seipso totus teres atque rotundus,
> Externi ne quid valeat per læve morari.

He abounded with salient points, which could be seized on to stay him whenever he engaged in the furtherance of the public good; for he had solemnly committed himself to propositions and principles antagonist to those which he was latterly expected to promote. His superior powers might have enabled him to triumph over these obstacles; but here would have been a waste of force; and a man who has not these obstacles to encounter will accomplish his objects with less difficulty.

If Mr Canning's death breaks up the existing Administration, and leads to the restoration of the outcast party, it will be the sorest affliction that ever befell a nation. If, on the other hand, it does not disturb the present arrangements, and a

man of sufficient ability, whose whole life has manifested the liberal set of his mind, is substituted for one of, at least, inconsistent character, the country may be a gainer by the change. Would, however, that this trial had been deferred to a far distant day! We deplore the extinction of so brilliant a mind as that of the late Chief; we sorrow too at the death of the man, when we hear the savage rejoicings of his enemies—

Εχθροι γελωσι—

We could go on to point out one, the most odious of the faction, to whom the description applies:

μαινεται υφ' ηδονης.

We also lament that Mr Canning's life, whether devoted to good or the mere negation of evil, was not protracted to a period which would have put a natural extinguisher on the antiquated party to which he was opposed.

Abroad we apprehend that the death of Mr Canning will be deeply, deeply indeed felt. His name was the very watchword of liberty, and oppression quailed at its ascendancy. The loss of him will cast down the good and elate the bad of all countries. The leaning of our late Premier to liberality in his foreign policy cannot be disputed, and in certain grand principles which he asserted in his domestic policy it is equally undeniable; but it is remarkable that though Mr Canning was often in the general the avowed enemy of oppression,

we never in any one single instance found him so in the particular. From the earliest period of his history down to the close of the last session, what case of oppression came before the House of Commons, and called forth Mr Canning in any other character than that of the apologist or the advocate of the wrong-doer? From Kenrick up to Lord Charles Somerset, Mr Canning has been the same man. The oppression of the peasant, the abuses at the Cape, the butchery of the people at Manchester, every kind of crime of authority, has found a ready vindicator in him. Was his love of liberty and justice on so great a scale that it could not comprehend an individual case? But better things were with some reason expected from him, and death has set the seal of doubt on his character! On Canning's genius it is unnecessary for us now to dissert; our opinion of it has been sufficiently often expressed. He was the last of the rhetoricians. Had he been a less orator, he would probably have been a greater man. He followed however the tawdry fashion of his day; and his tinsel and finery could not disguise the thews and sinews they encumbered. Self-complacency was a prominent feature of his character, and the nice description, *Omnium quæ dixerat feceratque arte quadam ostentator,* was peculiarly applicable to him. But if ever vanity was excusable in man, it was excusable in George Canning, who, endowed with every choicest gift of nature,

had risen from a low condition to the highest office in the State, and seen centered in himself the best hopes of the best men in the civilized world. We read in the tales of superstition of men who have made compacts with the fiend. A Faustus could hardly have desired to be more than a Canning. A fine person for the love of woman; a mind for the admiration of man; a golden tide of fortune, which had its slacks indeed, but no ebb; and a death which has abruptly left his character as it was gilded with the glow of a world's best hopes.

PROGRESS OF CIVILIZATION.

The *Times* refers to a proclamation of the Turkish Government, as furnishing evidence of its barbarous absurdities. We cannot say that it struck us in this light; on the contrary, on reading it we were rather filled with admiration at the *legitimate* style of the document, which closely resembles in substance, though not perhaps in form, those which we are accustomed to see proceeding from the most christian and civilized cabinets of

Europe. The only inferiority which we remark is in the *phrasing;* in other respects it is shaped according to the common scheme of such papers, and seasoned with an abundance of that cant which would give us to hope that the Sultan is going to cut his people's throats with some degree of good breeding, after the manner of the most approved continental models.

The traveller in a strange land, when he saw a gibbet, congratulated himself on being in a civilized country; and when we meet with hypocrisy and falsehood in the State Paper of a barbarous and despotic power, we consider them as infallible indications of a right royal progress in cabinet refinement, and the business of kingcraft. In the social system all things improve together; and as the people make advances towards intelligence, their masters become accomplished in knavery. In a rude state the despot strikes, but speaks not, and hears not. But as his subjects acquire notions that they have a property in their own heads, he finds it expedient to give a colour to violence, and, like *Iago,* is compelled to adduce reasons for murder. In proportion to the civilization of its people, a good government may deal frankly and openly with them; in proportion to the advancing intelligence of its people, a bad one must deal craftily and falsely with them. It is with nations as with children;

when they are in their infancy, void of moral force, the father may whip them when they disobey his commands, simply because it is his will; but as they grow in intelligence, he tells them that they must not do so and so, which happen to be disagreeable to himself, because God won't love them if they do, and he must therefore scourge them for the good of their precious little souls. When we see a despot ceasing to repose on his will, and taking shelter under cant and hypocrisy, we should in most cases be inclined to infer that his people are beginning to grow in moral force, and that he feels it. The consequence is, that both parties improve together; as the people become more rational, the prince becomes more princely,—more like the standard Sovereigns,—and his government is conducted with all the machinery of falsehood which marks the politer powers. The symptoms, however, in the particular instance under consideration, may be fallacious. A desire to be in the European or Holy Alliance fashion, may alone have induced the Sultan to adopt cant, just as the King of Yachataboo crowns his most naked but most royal person with a gold-laced hat, not because the prejudices of his island demand this covering, but because when graced with it he most potently believes that he exactly resembles those distant sovereigns of mighty powers of mischief, whom it is his pride to

imitate. From whatever cause it arises, certain it is, that in the Proclamation before us, we observe a striking general similitude to the scheme of legitimate manifestoes.

There is some difference in the degree of *energy* in the measures, but the plan of operation and justification is generally similar. The Sultan is disgusted with the freedom of conversation in Constantinople, just, we may suppose, as William Pitt was displeased with the freedom of conversation in London some years ago: the Proclamation is therefore a kind of Gagging Act, and in it the Lord's Vicegerent urges those topics which are always enforced in State documents. He says, in substance, that what pleases him pleases God, and that what displeases him displeases God; and he proposes to cut off men's heads, and to throw women into the sea, for no other purpose but to conform to the divine pleasure. The *Times* designates these things as barbarous absurdities, using the word barbarous in the sense opposed to civilized—not in that of inhuman: we differ with it; we regard them as right legitimate arguments; and, with a few changes of names, the Proclamation in question might have been read a few years ago as a Lord Sidmouth's or Castlereagh's harangue in Parliament, or as a Speech from the Throne, on the suppression of the Liberty of the Press. Let us try the experiment:—

PROCLAMATION

OF THE SUBLIME PORTE TO THE MUSSULMAN PEOPLE AGAINST SEDITIOUS CONVERSATION.

"The militia of the Janissaries had been, as every one knows, habituated, for a long time, to cast contempt on the Sublime Porte. Their treason and their excesses are too well known and established. They have been entirely dissolved, conformably to the Divine law; and to the unanimous wish of all the Ulémas, and of all the friends of religion and Government. Their name and their insignia have been for ever effaced from the surface of the earth; those who among them were the promoters of all the disorders, and who on that account merited death in the eyes of God and of men, have received the punishment due to their crimes; others have found in exile, or in other chastisements, the price of their works. Finally, thanks to God! Constantinople and the rest of the empire are freed from the

SPEECH

OF LORD ——— ON THE NEW ACT AGAINST SEDITIOUS LIBELS.*

The writers for the Journals have been, as every body knows, habituated for a long time to cast contempt upon his Majesty's Government. Their sedition and their blasphemy are too well known and established. They have been entirely put down, *conformably to the Divine will*, and to the unanimous wish of both the Houses of Parliament, and of all the friends of religion and Government. Their publications and their presses have been for ever swept from the surface of the earth, and those who among them were the promoters of all disorders, and who on that account merited perpetual imprisonment, in the eyes of God and of men, have received the punishment due to their crimes; others have found in exile, or in other chastisements, the price of their works. Finally, thanks to God! the capital

* It is to be observed that this was written in the time of the Liverpool Ministry, among the members of which was the arch-enemy of the Press, the then Chancellor.

calamities which their wickedness occasioned. These evident marks of the protection which divine Providence extends to the Sublime Porte, imposed, above all, the obligation of clinging more than ever to the unshaken foundation of our holy religion. Now, to accomplish a duty sacred in the eyes of every true believer—namely, that of watching over the preservation of the public treasury of the Mussulmans—all opinions are united for the suppression of those of the other corps, such as those of the Sipahees and the Siliktars, whose existence had no other effect than the exhausting of that treasury. By this measure, with the aid of God, and under the shadow of the power of our exalted, potent, and majestic Emperor and sovereign master of Mussulmans, the Caliph of the Prophet of God, we are assured, on all points, of the destruction of the enemies of the divine word. We have taken the proper means to secure the tranquillity of the Mussulman nation. Every thing advances. The man the least endowed with reason, the least attached to religion, is penetrated with gratitude for so many blessings of the Di-

and the rest of the empire are freed from the calamities which their wickedness occasioned. These evident marks of the protection which Divine Providence extends to his Majesty's Government, imposed, above all, the obligation of clinging more than ever to the unshaken foundation of our established Church. Now, to accomplish a duty sacred in the eyes of every true religionist; namely, that of watching over the preservation of the tithes of the Clergy —all opinions are united for the suppression of the other writers, such as those of the Provincial Papers, whose existence has no other effect than the endangering of that property. By this means, by the aid of God and under the shadow of the power of our exalted, potent, and gracious Sovereign, George, the Defender of the Faith, we are assured on all points of the destruction of the enemies of the divine word. We have taken the proper means to secure the tranquillity of the nation. Everything advances. The man the least endowed with reason, the least attached to religion, is penetrated with *gratitude for so many blessings of the Divine goodness.* Prostrate before

vine goodness. Prostrate before God, he returns thanks for it, and prays the Almighty to prolong the days of his Highness."

God, he returns thanks for it, and prays the Almighty to prolong the days of his Majesty.

To pursue the parallel would be fatiguing to the reader. Enough has been done to shew the general similarity of scheme. To be sure, the Sultan is rather *drastic* in his discipline. But after all, perhaps, it is not a greater cruelty to take a man's life in Turkey, than to take his property and liberty in England. The loss of his head to a free speaker, in a semi-barbarous country, may be a punishment about equivalent to the loss of his property, and the privation of his liberty, to a saucy writer in a highly civilized one. "*The Manslayer's*" measures are what would be termed by Treasury Prints *vigorous;* his style is what would be critically called *tranchant.* There is a careless ease in the sentence in which he strangles the women and flings them into the sea, which is eminently characteristic of an off-hand manner of man.

"Henceforth let all busy themselves with their "own affairs; let them live quietly; let them never "cease to address to Heaven prayers for length of "days to him who is the shadow of God upon earth, "and *whose munificence daily binds his subjects with "new blessings;* extending protection peculiarly to "the feeble and the poor. It is thus they will "show themselves grateful for *the tranquillity*

" *which they enjoy, and for the bread which they* " *eat, under the shade of the protection of the Sub-* " *lime Porte.* But let every one be apprised, that, " after this day, they must cease to spread any false " rumour, which may excite disturbance, to inter- " fere in matters which do not concern them, and " thus to encounter, in this world and the next, the " wrath and chastisement *of God.*

" If they pay no regard to this warning, and " transgress it, woe be to the guilty, whoever they " be, men or women; they shall be laid hold of, " and the men shall be instantly punished, in the " places where they are found, as an example to " others. *As to the women, they shall be strangled,* " *and thrown into the sea.*"

Gulliver remarked, that the King of Lilliput, who was, we all know, the very pattern of an accomplished prince, never commenced any extraordinarily bloody massacre of his people without expatiating on his clemency, and insisting on their happiness in living under a monarch mild and compassionate to a foible. This is the custom too of European Potentates, a dissertation on mercy and forbearance being the sure forerunner of an approaching tragedy. The Sultan has adopted this formula. Like the Legitimates too, he has not failed to identify his cause with religion, and has made a most efficient use of the Deity, by placing him in the very front of the battle. If the people disobey him, " they revolt against the commands of God himself." If

they speak ill of his Government, "they circulate lies among crowds and gossips, void, like themselves, *of all due sense of religion.*"

It is the established custom of Princes, and indeed of many other devout persons, to interpret all the good that befalls them as the unequivocal manifestation of the Divine favour, while misfortunes are either set down to the very large account of "*inscrutable purposes,*" or are argued to be chastenings bestowed in love, not in anger, out of which future good is to come. Mendez Pinto, the renowned voyager, when he was successful in his piracies, always regarded it as a sure and comfortable sign of the divine favour; but when he missed the booty, or miscarried in his schemes, he only piously came to the conclusion, that "the ways "of Providence are dark and intricate, puzzled in "mazes and perplexed with errors," never disturbing himself with a suspicion that piracy might possibly be disapproved of by Heaven. Our Sultan interprets good and bad fortune like other Princes, and like the aforesaid type of liars, Mendez Pinto. —"Those who were the promoters of all disorders, "and who merited death in the eyes of God and "man, have received the punishment due to their "crimes. *These evident marks of the protection "which Divine Providence extends to the Sublime "Porte,*" &c.—We see what the fine crop of subjects for the executioner indicates; but shortly after, when his Highness speaks of a calamity, the

conflagration, we find "it was nothing else than a visitation of God," by no means applying to the Sultan, but intended for the especial correction of his unruly subjects. He never for an instant suspects that Heaven can mean any sign of displeasure for him. Like other accomplished Princes, he argues, "what good befalls us is meant as an express "mark of favour to me; what ill befalls us is "intended as a mark of displeasure to my misbe-"gotten subjects."—These are all signs of considerable progress in the language of Legitimacy, and if his Highness perseveres, we predict that he will attain to a proficiency in cant which will qualify him for a place in the Holy Alliance. He is a Mahometan to be sure; but what of that, if he be a hypocrite? He will make, we foresee, a very pretty Prince.

THE CHANCELLOR ELDON, AND THE VICE-CHANCELLOR, SIR JOHN LEACH.

COMMON as ill-assorted matches are, we question whether a more unlucky pair than the Lord Chancellor and his Vice, Lord Eldon and Sir John Leach, were ever yoked together. As men, and as judges, they are the exact opposites of each other: their minds, their habits are in curious contrariety. The Chancellor delights in avowing his contempt of the pleasures of the world. He makes a boast of his want of taste for the polite arts, his ignorance of literature, his indifference to all the embellishments of society. His Vice runs into the contrary extreme. He is a Pink, an Exquisite. The things scorned by his Superior are held by him in supreme reverence. He piques himself on an extensive acquaintance with the fashionable world more than on his knowledge of law—prides himself more highly on his seat in Lady Salisbury's opera-box than on his place

in judicature—and is even more ambitious of achieving a delicate lisp, than of pronouncing sound judgments, and taking nice distinctions. The Latin proverb says, "That out of every block we cannot make a Mercury," but the Vice-Chancellor seems to have resolved on falsifying this maxim, for out of rather a common grain he insists on making himself a model of extraordinary polish and refinement. Admiring the Vice-Chancellor as we do in many particulars, we have always lamented that his ambition should have taken this unlucky turn, so unworthy of his powers, and, we may say, inconsistent with his higher advancement. The coxcombries of a Judge in the highest station are not matters of such indifference as to the unreflecting they may appear to be, and the Bar feel that the Chancellorship of a fine gentleman who holds the *entrée* at Almack's among the very first claims to respect, would be an event most inauspicious to knowledge and talent.

The qualities of the Chancellor and his Vice considered as Judges, are as opposite as their tastes and habits of life. The Chancellor slow almost to inefficiency, the Vice hasty to rashness. This, and other remarkable dissimilarities, in men engaged in the same duties, necessarily provoke invidious comparisons, and these comparisons beget ill blood. The Chancellor is blamed for delay, and he consequently observes with an eye of anything

but approval the dispatch of his colleague. Long has he been in the habit of venting his feelings towards the Vice in little sneers and sarcasms, which have at last produced some retaliating comments from the inferior Judge, and now the feud is openly confessed, to the great grief of the friends of the learned functionaries, and the joy of their enemies. Some of those who are inimical to the Lord Chancellor have taken the occasion of this schism to exalt the Vice as we think unduly, proceeding on the stale and questionable policy of endeavouring to depress one man by raising his immediate adversary to authority, without reference to the use which he may make of the advantage thus sought to be conferred on him. Before we sing the praises of the Stork, and give him the preference and the ascendancy over King Log, it would be well to examine the turn of his disposition and his capacity for ruling. Because Log, who does nothing, is bad, it does not follow that Stork, with his active limbs and nimble bill, is good. Were the election to rest with us, we would choose neither the one nor the other; but were we called upon to declare which was productive of most mischief, we should unhesitatingly fix on Log. The Chancellor's delays of judgments cause at least double the mischief of the Vice's hastiness, even supposing that the one is always right when he does decide, and that the other is as uniformly wrong. The delays of the Chancellor

in too many cases ruin both parties,—both the successful litigant—if successful he can be called who succeeds to nothing—and the unsuccessful one. What matters it that the judgment was right, when no one profits by the right? The Vice-Chancellor's haste (leaving appeals out of the question) may deprive one party of that to which he has justly a claim (a great evil undoubtedly) but it will not consume him in long and wasteful litigation, and the property in dispute will not, after having been damaged by neglect, be swallowed up by the costs of the suit; at all events, one person is ruined in this case for two in the other. But while we hold that the errors of impatience of the Vice are less injurious to the community than the deliberative *merits* of the Lord Chancellor, we must nevertheless lament the existence of those errors as evils of no insignificant magnitude, and regard them as serious blemishes in a character in many respects eminently calculated for high judicial station. The Vice-Chancellor possesses indeed superior talents and knowledge of the principles and practice of Courts of Equity, but he certainly does not possess patience in Court, nor, as we suspect, diligence of application in his chamber. He can collect the facts of a case with extraordinary quickness, and no one can present them more luminously, but he wants that fullness of legal knowledge which so pre-eminently distinguishes the Lord Chancellor, and something of that logical

precision for which the late Master of the Rolls, Sir William Grant, was celebrated. Of these defects he does not appear to be conscious, and he often rushes to a conclusion without that attention to the arguments of Counsel that even courtesy to the Bar would dictate. To this impatience may be ascribed much of his actual or supposed miscarriage in judgment, and the number of consequent appeals from his decrees. We will not say that many of these appeals are not unfounded. The Bar are an irritable race, and however easily reconciled to forensic defeat, are keenly alive to anything like a judicial slight. Many appeals have been advised, not from the conviction that the decrees were wrong, but from the circumstance that the matter was not fully heard. Attention to Counsel is the right of the suitor. No Judge, however various or profound his learning, can be always prepared with that which the occasion may call for, and it is the duty of the Bar to supply it. That Advocates are often prolix and tedious, we are ready to admit, but in the present state of our jurisprudence it would be most dangerous to allow the Bench to dictate the limits of their statements and the direction of their arguments.

The Chancellor also is not without his failing in respect of attention to Counsel. No one can be more tolerant of long speeches than his Lordship, but we know that he rather suffers than hears them; and his attention often appearing to be

differently engaged, the speaker is induced to repeat what he suspects has not been duly listened to, which occasions loss of time, and what is yet worse, gives the Bar the habit of desultory observation, instead of that of close and pointed reasoning. *Hoc age* is an useful maxim in judicature as well as in other concerns; and further it is a duty in the administration of justice to satisfy the suitor, however unfavourable the decision may be, that it is the result of due attention to all the circumstances of his case.

As in contrast with Lord Eldon's delays we have observed on the Vice-Chancellor's hasty judgments, we are irresistibly tempted to quote a passage in point from Mr Bentham's invaluable work on Judicial Establishments, which applies also to another fault chargeable against Sir John Leach,—too full a self-satisfaction, and an indifference to the satisfaction of others.

"Under the general term of *hastiness* lurks a "particular vice in judicature, that has scarcely yet "obtained a name; a sure sign that the importance "of the opposite virtue has never been noticed as it "deserves. It consists in the Judge's taking for his "sole object his own private satisfaction relative to "the merits of each question and the rectitude of "each act, not staying to inquire of himself whether "the whole proceeding, if spread open before the "public exactly as it took place, would wear the "same face of propriety in the public eye. He

" makes up his own mind, and what other people " may think about the matter is what he forgets or " disdains to ask himself. His own mind is made " up, and those of other men, if they will be imper- " tinent enough to intermeddle, are left to make " themselves up as they can. *It is by this faculty* " *of annihilating the public, and putting self into* " *the vacancy, that some men get a name, by trying* " *causes as if for a wager against time; so many* " *causes within the hour*, as men of inferior ambition " run miles, drink pots of beer, and ring bob-majors. " Under a system of judicature, in which, after six " months spent in doing nothing, the longest cause " is squeezed into a day, and as many as a province " can afford in half a year into two days; this talent, " so long as it confines itself to the theatre which " thus calls for it, is neither without its apology nor " without its use; and admiration is divided between " the master that can see such work done, and the " workman that can go through with it. To the " good effects of the power of a motion may " therefore be added the natural tendency it has " to put a check upon velocity in judicature, having " such forgetfulness for its cause. Should a Judge " look upon his own satisfaction as everything, and " that of the people as nothing, they, with some- " what better reason, may look upon his as nothing " and their own as everything. But a Judge amen- " able to the people, and removable by the people, " will know better than to put them to this trial.

"The sort of instinct created by an habitual sense "of interest will teach him upon the bench what "reflection and investigation may teach the philoso- "pher in his closet, that apparent justice is every- "thing, and that, in the civil branch at least, real "justice, except as productive of apparent, is of "no use."—*Bentham on the Organization of the Judicial Establishment in France.*

This paragraph contains a complete lesson for a Judge who has little to learn but such patience as mere courtesy exacts, and some respect for the opinion of those whose approving judgment is worth obtaining, though it may be many thousand degree inferior to his own, and even though the parties have not access to Almack's.

CHARACTER OF THE DUKE OF YORK.

For many reasons the character of the Duke of York is likely to be viewed with too much favour by one portion of the community, and too much prejudice by another. We shall endeavour to be just; but if we should err in our estimate, we desire that it may be on the side of indulgence. Our aim, however, is the truth.

In private life, the Duke of York has been much

esteemed. He was courteous to all; kind and considerate to those immediately about him; and the same quality which assumed the appearance of mere obstinacy in the conduct of public affairs, gave his private friendships the respectable character of steadiness. As a politician, he made himself known only by the promise of much mischief; his views being false, and pertinacity his pride. He adhered to the bigoted and unenlightened portion of the Tory Government, and being at once their future hope and present strength, he was regarded as the main stay of all the antiquated prejudices which clog the advancement of society. His pledge never to change his opinion on the Catholic question, which earned him the mortal enmity of a nation, was of an irrationality and intemperance that stamped him at once the Coryphæus of the Intolerants. Considering that the Duke was so connected with these men, so strongly imbued with their blind prejudices, and naturally disposed to be "obstinate in wrong," his death may be looked upon as an event less to be deplored by the country than his rule would have been, had he survived the reigning Monarch.

In the official career of the Duke of York there has been much that entitles him to praise. He was probably the best Commander-in-Chief that the army has ever had. He did much for the private soldier, in securing to him the regular receipt of his pay, a clear view of his regimental accounts,

and in providing for his comforts. In these respects he was truly the soldier's friend. It may be objected, that he never exerted himself to rescue the soldier's back from the lash; and certainly the Duke was not a man to reform a bad system; but there was that in him, which led to a mitigation of its severity; and though he did not abolish flogging, we have been informed, that the frequency of punishment in a regiment was considered at the Horse Guards as indicative of incapacity or misconduct in the Commanding Officer, who consequently did not fail to discover, that when he scourged his men he was prejudicing himself where it was his interest to stand well. Of the Duke's administration, as regards the superior ranks of the service, it is difficult to speak in positive terms either of censure or praise. So many of the faults seem the necessary consequences of the pernicious system of aristocratic *influence*, that we know not how to charge them fairly to the account of the man. Influence undoubtedly had its sway to a very injurious extent; but beyond its sphere, his Royal Highness was disposed to be just; and in all cases, his ear was inclined to the claims of merit, or the appeals of the injured, though in too many instances his hands were so fettered by political ties, that he could extend no reward to the one or redress to the other. It is true, that at the earlier period of his administration there was much scandalous jobbing in promotions; but, bad as it was, it was only what

had been practised unquestioned, and to a greater extent, by his Royal Highness's predecessors. On the whole, it would be easy, without any stretch of fancy, to imagine a much better Commander-in-Chief than the Duke has proved; but it would be difficult, under the circumstances of an universally rotten system, to fix on one.

THE WEALTH OF THE CHURCH EXPLAINED.

Our known zeal for the Church will nor permit us to remain silent on some severe observations of Bentham on the wealth acquired by the Clergy, in apparent contempt or defiance of the scriptural maxim that "it were easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of heaven." The fault insinuated, if we are not egregiously mistaken, is in fact the sublimest virtue of our Priests. Considering the great danger of wealth, they zealously strive to strip the people of so grievous an impediment to the salvation of souls. In performing this meritorious service, they of course sacrifice themselves; but in this there is no kind of inconsistency. It is their heroism

to suck the poison out of our pockets,—to save us, and perish! The public purpose and the personal practice of men may obviously be in complete opposition, without any kind of inconsistency. The intention of soldiers is to protect us from violence; but for this very end the soldier himself falls by the sword. The physician is of all men the least careful of his health. Or an apter but homelier illustration—the Clerk at the White Horse Cellar or Golden Cross puts the whole world in train to travel, he individually being perhaps the most stationary person in London. Just so it is with our Reverend Clerks; they expedite us without ever stirring a step towards the same goal themselves. For this they surely merit our gratitude rather than sarcasms. When a Bishop dies worth 400,000*l.*, we should regard him as the absorbent of a poison that would have swollen up ten men to a needle-eye impracticability. Here is a clear saving of nine souls out of ten. In Ireland there are whole populations whose cows, pigs, and potatoes are so carefully looked to by the Clergy, that they would march through the eye of a needle by generations a-breast; while in the Church there are camels in abundance a vast deal too corpulent to go through a bodkin, and which will find only one pair of gates wide enough for their bloated proportions. Still we repeat, the greater their merit. The mouse in the meal-cask, who lived so well as to grow too large to repass the

hole, and who thus fattened himself into a prisoner, was merely a gluttonous creature; but he would have deserved a far different, a divine character, had he devoured the meal to keep some fellow mice of a safe size.

LOVE OF OFFICE.

THE place of a Statesman may be his laboratory of science or his sordid treasury, and his reluctance to quit it may arise from the most mean or the most lofty considerations—the sacrifices made, or the self-delusions cherished, rather than abandon unperfected experiments intended for the welfare of society, may easily be mistaken for the mere covetings of money or power. Where, however, we know there is science, we should give credit for the earnest pursuit of the ends of science, and a Huskisson may feel as honest a grief at being torn from the sphere of his utility as a Davy or Farraday would have felt had they been expelled from their laboratories pending the process of their greatest experiments.

A PAMPHLET OF THE OLD SCHOOL.

A PAMPHLET of the old fashioned style is a composition of much circumlocution, and a sort of stuff which is best known by the name of *palaver*. It is a thing of stateliness and decorum, and two or three ideas pass slowly and solemnly along in a procession of winding phrases. The author dances a literary minuet, as it were, before the public; leading out his subject, bowing to it, putting on and taking off his hat, flourishing now a leg, now an arm, and moving over a very small space of ground with a very vast ceremony and parade of action—all wonderfully imposing and unspeakably tedious to behold.

SEVERITY OF THE LAW ON SUSPECTED, AND TENDERNESS FOR NOTORIOUS CRIMINALS.

The lion in the fable, when he saw a picture representing a man vanquishing one of his kind, remarked that it was very evident who the painter was: it is not in all cases prudent to argue thus from the advantage to the author. When, for example, we observe the scheme of the English Law, were we to reason like the lion, we should infer that its makers were the thieves, while it is notorious to the world that they are, on the contrary, men *par excellence* called "Honourable," chosen for their wisdom, virtue, and incorruptible integrity, by the free and unbiassed voices of the whole people.* A stranger, however, unacquainted with these established facts, could not contemplate the general bearing and operation of our Jurisprudence without coming to the

* The date of this paper is some years before Reform in Parliament.

alarming conclusion we have imagined. On the very scene of plunder, in Court, or in jail, he could not fail to observe the advantage allowed to the criminal. Our law has obviously an extreme tenderness for the thief: like Mrs Peachum, it fondles its Filch, and confesses that it loves him almost as much as if he were its own—almost, and why not quite?—it has brought him forth, he is its natural child; and half the criminals in the country may be sworn to its Jurisprudence.

There is nothing more odious in the sight of a woman than a child of whose relation to herself she is not perfectly assured. A suspected changeling is always abhorred; but let the blood be proved, and the parent's heart leaps to her offspring, and she makes ample compensation for her doubting cruelties by tenfold favour and indulgence. Thus we may remark how severe the law is on persons whose character is equivocal, whose guilt is unestablished, who are, to use the vulgar saying, "neither fish nor flesh," and only obnoxious to suspicion. But let them pass from the character of suspected to criminal, and the mother of crime stands confessed in the tenderness with which she hangs over her offspring, and lends her fond arms to his protection. Partiality, *parental* partiality, an amiable foible—may certainly be laid to her charge. If Hodge in the country, without a stiver in his pocket, or a home in which to hide

his head, looks over a hedge at Squire Sharpshot's pheasants, he is cast into jail as a *suspicious* character, a rogue and vagabond, unable to give a good account of himself; but Filch, mammy's own boy, who is a character past suspicion, being a known thief, may stroll about the public streets at noon-day on his notorious business of depredation; Justice will not meddle with him, unless he be detected in the very fact; and her servants will even give him a hint to be careful when he is observed. This is her emblematic blindness. She will not see criminality, but she has the eyes of Argus for suspicion. She will not scruple to throw a man into prison, who is only suspected of a bad purpose, while she tolerates hundreds whose business is known to be crime. We have a Vagrant Act which sweeps the highways and bye-ways of every creature convicted of being houseless and pennyless, and supposed therefore to be likely to be criminally disposed: while shoals of notorious thieves are suffered to swarm about the streets of London. How can we explain this fact, but by the partiality of a mother for her acknowledged children? Toleration and tenderness begin with crime. Horne Tooke told a story of a girl who applied at the Magdalen for admission on the usual ground. When it was granted by the Board, she threw herself on her knees in a rapture of gratitude, exclaiming, "Thank God! thank God! I am saved, I am saved from ruin!"

"What," cried the Governors in consternation, "What's that you say of *saved*? Why, you are *ruined*, are you not?"

"Oh no, Gentlemen, I have resisted temptation hitherto, and shall now preserve my virtue, thanks to your goodness."

"Ah!" replied the Examiners, "but you cannot be admitted here, if that is the case."

And she was accordingly rejected, but returned shortly afterwards, the story goes, perfectly qualified. Thus it is with our Law; it reserves its kindness for the period when the party has succumbed to the temptation of guilt, and become a decided character. These remarks are illustrated by the following paragraph in the *Times* Police Reports:—

"We stated that a person came forward to accuse "Ledbeater, an officer of the Bow street Establish- "ment, with being on seemingly familiar terms "with some well-known thieves in the crowd, "whom, the person said, it was the duty of that "officer to secure. Ledbeater was not present at "the time to account for his conduct; but the "Magistrate (Mr Halls) said he had explained the "circumstance to him by stating that he had merely "tapped a thief on the shoulder, *to warn him that "he was watched.* On Friday last, Ledbeater "addressed the Magistrates, in a state of great "agitation, on the subject of our report, stating, "that he felt his character considerably injured by

"the imputation it conveyed, and expressing his "conviction that no such charge had been preferred "against him. He then handed Mr Halls the "number of the *Times* in which the account ap- "peared; but the Magistrate, after reading the "report referred to, observed that it was a simple "statement of what had actually taken place before "him, and, as such, could not be complained of. "A charge had certainly been preferred against "him (Ledbeater), but he (Mr Halls) felt quite "certain at the time, and was since thoroughly "convinced, that *there was no ground whatever for* "*supposing that the familiarity of which the per-* "*son complained was the result of anything mi-* "*proper*. Both Sir Richard Birnie and Mr Halls "united in expressing a very high opinion of Led- "beater, to whose zeal and exertions, they said, "the public were much indebted. In expressing "our own conviction that the charge was utterly "unfounded (although we felt it our duty to record "it) we must add, that when well-known and re- "puted thieves are suffered to mingle in crowds "under the immediate eye of police-officers, *such* "*a circumstance is very likely to give rise to unfa-* "*vourable impressions*. But when in such cases "an open recognition is seen to take place between "officers and thieves,—we do not allude to any "particular fact, but to a practice too generally "followed,—it is natural enough that charges of "collusion and corruption should be preferred by

"persons who are not sufficiently conversant in "police policy to know that *such things may exist* "*without prejudice to the officers;* who, however "blameless they may be, would, we think, fulfil "their duty with more advantage by taking the "thieves at once into custody, and thus remove not "only their temptation to commit crime, but the "danger of being plundered on the part of the "public."

We make no doubt that Ledbeater is an excellent officer, and that familiarity with a known thief is not peculiar to him, but common to all other police-officers, and incidental to the existing system. But why, we would ask, are notorious rogues suffered to go about their business of plunder in the streets of London, while in the provinces merely *suspected* ones are swept by thousands into the country gaols. Why is the operation of the Vagrant Act confined to doubtful cases of roguery? —why is it not brought to bear on those cases which do not allow of a doubt? The persons of the lawyers going down to Westminster Hall, and their business, are not better known in the Strand than the persons and the business of the thieves there. We do not approve of an Act of the vast powers of the Vagrant Act; but if such an Act is to be permitted, the notorious rogues are the subjects on which it should be exercised; on the contrary, however, they are the very people spared by it. They are pick-pockets, not poachers. Picking

pockets, as 'Polly' says of love, "is a venial offence;" but poaching is one of which no gentleman is guilty. Misled by these appearances, our Lion of the fable would argue, that pick-pockets had more to do with the making of the law than poachers; but the libellous inference would prove him a marvellously ill-bred beast.

[Since this was written, the Metropolitan Police has been established, and the evil complained of has been very much abated.]

FINES.

It is enacted in statutes, that for certain offences fines shall be imposed, at the discretion of the Magistrate, to any amount not exceeding one sum, nor under another, the *minimum* being generally forty shillings, the smallest sum that the dignity of Parliament commonly condescends to contemplate. Now this is an avowed, an enacted inequity; for the Legislature, in fixing this *minimum*, decrees that, in certain cases of poverty, the pecuniary penalty shall not be proportioned to the circumstances of the party, which is in direct contravention of that maxim of justice and principle of the Constitution, which declares that no one shall be

amerced beyond his means. It is the boast of some unthinking men, that our laws are equal,—and so they may be said to be in one sense; but the inequality of which we now complain is not in their letter, but in their operation. If we lay a load of a couple of hundred weight on the French Hercules and on an infant, the burthens are equal; there is not one weight for the strong and another for the weak, but the operation of them is most unequal,—the one is crushed to death, and the other bears it lightly. In imposing any fixed fines which cannot be regulated according to the means of the very poor offender, the Legislature proceeds on this plan. Its established *maximum* spares the very rich, but its *minimum* crushes the very poor. To say that a fine of less than forty shillings is not to be levied on a poor labourer, is to say that the law will be satisfied with nothing short of his ruin; that it will strip and starve him for an offence which it would punish in the rich man by the exaction of a sum which he would give for a pine-apple or a dish of green peas at Christmas.

When a fine is to be levied, it is obvious that the means of the party to meet the penalty should be considered, for the effect of the sentence will depend upon his circumstances. To proceed, therefore, in conformity with the dictates of humanity and justice, we must vary the fine as the means vary, and think of no *minimum* short of the smallest coin of the realm. But if we act like

Dandy Legislators, we shall assume an ignorance of small money and small people, and never consider with what degree of disproportioned weight the lowest fixed standard of punishment may fall on those who are unable to bear it; and thus we shall become heedless just where we ought to begin to be especially wary and tender. There are persons in this country who could afford, without inconvenience, to pay fines under fifty pounds; the proportionment of the fine on them for certain offences is left to the discretion of the Magistrate: there are many more who could afford to pay a fine above forty shillings, we will say, and under twenty pounds; the proportionment of the fine on them is left to the discretion of the Magistrate: there are unfortunately thousands of poor people who cannot afford to pay a fine of forty shillings; and the proportionment of the fine to their circumstances *is not left to the discretion* of the Magistrate. The punishment thus ceases to be proportioned to the ability of the party to bear it, exactly where it should be meted out with the most scrupulous nicety, in order to avoid an exaction exceeding the demands of justice,—or an injury beyond the contemplation of the law. Ordinarily, when men impose burdens on the strong, they cast them on heedlessly and by the gross; but when they come to the weak, they weigh the load with nicer care and minuter consideration. Parliament goes on an opposite system. It takes care that too

much shall not be exacted of the strong, but when it comes to the loads for the weak, it ceases to weigh at all; it says, "Here is the last measure; "this shall be borne by all, weak and strong; "there shall be no apportionment below a certain "standard, which we know to be above the means "of thousands of offenders, and consequently "bearing no just proportion to their offence." In default of the payment of the penalty, these people must go to gaol; their families, deprived of the aid, such as it may be, of their daily industry, are then thrown on the workhouse. And why is this mischief done, or why is there the possibility of such injustice and cruelty? Is it that Parliament may be spared the shame of naming petty sums, which it seems to consider beneath its dignity? The Magistrate's discretion is allowed to range from fifty pounds to forty shillings; why should it not be allowed to range from fifty pounds to a farthing? What harm can be done by such an extension of his discretion? What cruelty and injustice may be avoided by it! We daily hear Magistrates lamenting that they are compelled to exact penalties exceeding the means of the parties, and sometimes they dismiss offenders who deserve some punishment, because they cannot prevail upon themselves to inflict the disproportioned one blindly laid down by the law. The City Street Act, we observe, is on the plan we advocate; it allows of penalties down to a farthing,—a piece of good

sense which, we are confident, did not originate with the House of Commons.

Our Courts of Law, like our Legislature, have discovered an aversion to contemplate small sums, and have even ruled it beneath their dignity to take cognizance of suits concerning them. Many grave decisions to this effect are on record. Mr Bentham's argument on this head is equally applicable to the principle of fines. We quote a passage from his admirable work on "Judicial Establishments."

"The importance of a sum to the interest of a "given individual, is in its ratio to his income. It "is but a small proportion of the people, for exam- "ple, in France, that have each so much as "200 livres a year to live on: a very small pro- "portion indeed of women and children are to be "taken into the account: the king's brothers are "to have each 20,000 times that sum—2,000,000 "of livres. The livre is therefore of at least equal "importance to the one, to what 20,000 livres is "to the other. It is in fact of much greater im- "portance: for superfluity will bear retrenchment, "and that in proportion as it is superfluous: a bare "subsistence will bear none. Take from a king's "brother half his income, he still remains an opu- "lent prince. Take from an ordinary labourer "half his income, he starves."—*Bentham on the Organization of Judicial Establishments in France*, cap. iii, p. 11.

Such acts of impolicy and injustice are, however, daily committed in this country; and, like the skinning of the eels, as they are customary, they have ceased to be regarded as cruelties. We observe, in the newspaper of the day on which we write, that two labourers at Carmarthen have been sent to gaol in default of the payment of a penalty of twenty shillings for apple-stealing. What proportion did this sum bear to the probable annual earnings of the men? About a twenty-fifth part, we will say. Apply this ratio of fine to the wealthy. Suppose, then, that a young nobleman, a schoolboy, heir to twenty-five thousand pounds a year, commits an *escapade* (the name given to the offences of persons of quality), robs an orchard at Eton, and that he is fined a thousand pounds,—how enormous the penalty would appear! But his means are ample, and can bear the deduction of a twenty-fifth part: not so with the day labourer. The twenty-fifth part of his income is his bread for a fortnight, and the alternative, should he not be able to raise the money by begging and borrowing, or pledging his tools of trade, a gaol for two months. But that the young nobleman would not be fined a thousand pounds, we all know; rate him at a penalty of five pounds for his offence, a 5,000th part of his income is then abstracted from his superfluity, while a twenty-fifth part is taken from the bare subsistence of the peasant. And this is justice! this is the equity of the laws! In the most barbarous

of all punishments, military executions, a medical man stands by and sees what the sufferer under the scourge can bear. He observes the strength of the subject, and stops the lash when the infliction exceeds nature's power of endurance. When Parliament enacts its lashes in ignorance of the strength of the patient, we would have it give to the Magistrate that discretionary power which is, in the above case, entrusted to the surgeon. We would have it take some little care not utterly to destroy when it means only to chastise, and, instead of fixing a *minimum* of punishment which may be too much for many, it should direct its executioners to proportion the weight of the scourge in all cases to the strength of the offender. A rich man may bear a few pounds the more; but, in the case of the poor, it is necessary to deal in scruples and pennyweights. In many instances it is difficult to render the operation of the law equal, but it is easier to approach to the attainment of this object in pecuniary than in any other punishments. Proportion the fine to the probable income: even this mode will bear heavier on the poor than on the rich, but it is an approximation to equity. For a particular offence, take, for example, from a man a hundredth part of his probable income. Some ratio of this nature is the true ratio on which fines should be imposed. The estimate of the income must be left to the Magistrate, to whose discretion we leave so many questions of greater difficulty, and so many powers liable to greater abuse.

THE MAGISTRACY.

AN article in the *Edinburgh Review* on the licensing of alehouses,* written—with the single exception we are about to instance—with a happy mixture of shrewd observation, just reasoning, and humourous illustration, commences with a passage which contains more error of various kinds than we ever remember to have seen compressed within the same small space: the witty author must surely have designed it as a specimen of a Quarterly *Noodle's* exordium, † and the squib must by some unlucky blunder have been inserted in the wrong place.

"We beg to be acquitted of all intention of "affronting *or attacking* the *Great Unpaid.* Upon "the whole, though with many exceptions, and "wishing for many alterations, we are favourable "to the institution of an unpaid Magistracy, and "are convinced that they are the instruments "of much public good. What in truth could we "substitute for this Unpaid Magistracy? Where

* The article was attributed, we believe correctly, to the Rev. Sydney Smith.

† In a previous article, by the same Reviewers, all the fallacies catalogued by Bentham were pithily compressed in a Noodle's oration.

" is the machinery for which they could be ex-
" changed? We have no doubt but that a set of
" rural Judges, *in the pay of Government* [*sic in
" orig.*] would very soon become corrupt jobbers,
" and odious tyrants, as they often are on the Con-
" tinent. *But the Magistrates, as they now exist,
" really constitute a bulwark of some value against
" the supreme power of the State.* They would not
" submit to be employed for base and criminal
" purposes. They are tools perhaps in some
" cases—but still tools that must be respected.
" The power trusted to so many men of fortune
" communicates vigour and spirit to that body of
" men, and inspires them with *just* notions of their
" own importance. If any serious business arises
" in a county, the Magistrates assemble to discuss,
" advise, and direct. They are properly listened
" to by the Government—properly listened to by
" the people. They are, in almost all cases, the
" very description of persons whom the one ought
" to trust, and the other to follow."—No. 88,
p. 441.

Mr Sydney Smith has given us an admirable specimen of a Noodle's oration; let us consider this as the pattern of a Noodle's Review. How happy then the argument, how keen and caustic the irony! First comes the confession of faith and the testimonials:—

" Upon the whole, we are favourable to the
" institution of an Unpaid Magistracy, and are

" convinced that they are the instruments of much " public good."

This is *the proposition propitiatory*, very proper to be used by persons residing among, and associating with the class whose merits are under discussion. Having determined that the Magistracy are the instruments of much good, we come to a difficulty that settles the question at once, and scarcely leaves room for further discussion.

" What in truth could we substitute for this Unpaid Magistracy?"

Hobson's choice!

" Where is the machinery for which they could be exchanged?"

The query carries a mighty force of argument with it; we feel that it is not made to be answered. We are only to look around us, and wonder at our utter resourcelessness, and to reconcile ourselves to the Squires, who are the only folks in this country that can administer justice. Lest, however, some Benthamite should cast a longing glance at local Judges, our Noodle throws in this stumbling block:—

" We have no doubt that a set of *rural Judges*, " *in the pay of Government* [*sic in orig.*] would " very soon become corrupt jobbers and odious " tyrants, as they often are on the Continent."

Here are three objections to local Judges—the first, and one of the most formidable, is that they will be " *rural Judges*;"—rural Judges, as *Polo-*

nius would iterate—Good—that "rural" is ridiculous. Let us have no Judges liable to the epithet *rural*. And they will not only be *rural* Judges, which is bad enough, but they will be *in the pay of Government;* and though it is no objection to *town* Judges that they are in the pay of Government, yet it is an insuperable one to rural Judges.

The Frenchman, according to Joe Miller, having observed that an Englishman recovered from a fever after eating a red herring, administered one to the first of his fellow-countrymen whom he found labouring under that disease, and having found that it killed him, noted in his tablet that a red herring cures an Englishman of a fever, but it kills a Frenchman. So we must note, according to the *Edinburgh Reviewer*, that pay is wholesome for Judges in town, but it is bad for Judges in the country. Pay in town is esteemed the very salt of place, the preservative of honesty, which keeps the meat sweet and wholesome, and causes it to set the tooth of calumny and time at defiance. There is the Chancellor Eldon, who holds out toughly, like a piece of old junk. What has made him such an everlasting officer? The salt, the pay. When we want to make a good and competent authority, what do we do with him? Souse him in salary; pickle him well with pay. The other day, how we improved the Judges, by giving them another dip in the public pan!

The Chancery Commissioners, too, when they wished to secure the competence of certain officers, what did they recommend? A good salting; five pounds a day to fit them for business? But pay, though it cures great Judges, corrupts small ones. The Reviewer says so, and we must believe it. A little pay, perhaps, like a little learning, is a dangerous thing, and we must dip deep or touch not the Exchequer spring. But let that pass: it is settled, that if there were Judges called, or *callable* "*rural*," and in the pay of Government, "they "would very soon become corrupt jobbers and "odious tyrants, as they often are on the Conti-"nent." *For* "often" *read* "always," and the logic is perfect. But why should we be startled by the *names*, "corrupt jobbers?" We must remind the Edinburgh Reviewer that we are used to the *things*. And if we must be operated upon by such worthies, we wish to be operated upon in a workmanlike manner. Skill in the executioner saves pain to the patient. Your bunglers, your volunteers, with sharp weapons in their hands, are the men who make the most slashing use of them, and carry the violence beyond even the demand on their zeal. Who trampled, and sabred, and slaughtered away at Manchester, on the 16th of August? Not the professed swordsmen, the regular executioners, but the volunteers. The King's troops did just as much mischief as was required of them, and no more; the yeomen did his Majesty's busi-

ness and their own too; gave one stroke for the State and two for themselves." Thus it is with Paid and Unpaid. The Paid *might* be tools, which might on occasion work for the power that held them; but the Unpaid are tools as ready, as subservient, as passive as the others could be—they have proved themselves to be so whenever opportunity has offered—and beside working for another, they cut a little on their own private account. We should by no means like a sword in our neighbourhood which offered its handle to a particular man whenever he was disposed to smite us; but still less should we like a sword in our neighbourhood which had an active as well as a passive mood of mischief, and which instinct with life, as Mr Canning would say, could go up and down cutting and slashing, hacking and hewing, of its own proper motion. Or, to give another illustration, we would rather be within spring of a dog which might take us by the throat if his master chose to set him at us, than within reach of one which bit on his own private account as well as on his master's. Let us suppose, too, that the latter cur had some tit-bits, some nice things, some proper bones of contention,—such as partridges, pheasants, and hares are to Squires,—to take care of and keep unto himself,—what endless snarling and snapping there would be! We have all remarked how tenacious of their food these animals are, and how unreasonable is their jealousy of any approach

to it. If Alderman C—— were to go near a beggar's cur mumbling a bone, the brute would fly at him, and bite and worry him, under the firm persuasion that the turtle-crammed knight meditated nothing less than the robbery of his dainty. So it is with Squires in magisterial authority; their game is their bone; and the dog is not more irrationally suspicious, or more ferocious in guarding his valued morsel, than they are in the defence of their feathered and four-footed treasures.

"But the Magistrates, as they now exist, really "constitute a bulwark of some value against the "supreme power of the State."

There is here the fallacy of figurative argument. Call the Magistracy a bulwark against power, and it is unnecessary to prove that the Justices are not the most ready servants of it. But what kind of a bulwark is this? and what resemblance does it bear to any known description of bulwark, or any received ideas of a bulwark, on this side of the Irish channel? Why, it is a bulwark removable at pleasure by those on the stronger side. A bulwark, the parts of which are picked out, selected, warily chosen, by the superior power, and which may at any instant be displaced by that power, which, according to the Reviewer, it has the ability of resisting. This is obviously a species of bulwark more formidable to those behind it than to those before it. It is like an unbarred door between us and a stronger man,—if we lean upon it, it will

yield to his first impulse and be the very instrument of laying us prostrate. Our ships, the wooden walls of England, have been aptly termed our warlike bulwarks, but we utterly deny that the Unpaid, Squire-Magistrates, the wooden heads of Old England, are our political ones.

"They would not submit to be employed for base and criminal purposes."

No men ever do, now-a-days. All people do wrong with the very best intentions. Licensing Magistrates eat the turtle of brewers with an innocent unconsciousness that it disagrees with impartiality; and Manchester Magistrates "cry havoc, and let slip the dogs of war," out of a regard to nothing but the preservation of the public peace. There was a time when a philosopher went about with a lantern at noon-day to look for an honest man. Now, one might do the same thing to look for a knave. The world is peopled with honourable men—the court end of it, that is to say.

"They" (the Magistrates) "are tools perhaps "in some cases" [Cabinet cases], "but still tools "that *must* be respected."

Grammercie, Mr Reviewer, but your "*must*" has a cogency there! "*Must*" is unanswerable. The necessity is, however, not altogether obvious. The savages of Ktchikagaboo set up their blue ape as a God, and hold, that though an ape in some particulars, "he is an ape "that *must* be respected." *Non constat*, as the lawyers say, that the voyagers venerated his monkeyship.

"The power trusted to so many men of fortune "communicates vigour and spirit to that body of "men, and inspires them with *just* notions of their "own importance."

If it inspired them with justice, instead of *just notions* of their consequence, there might be something in the argument. The game, with all its train of crime, is given to the Country Gentlemen for the good of their health; and the administration of the laws is entrusted to them, unskilled as they are, merely to give them proper ideas of their importance. How much the breeding of these worthies costs us! At what a cost they are made to hold up their heads, and thrive in their bodies!

LIBERTY AND LICENTIOUSNESS OF THE PRESS.

[About this time the Press was under one of the hot fits of prosecution, which run their course and fill the pockets of Attorneys till Juries get sick of the thing and find two or three verdicts for defendants, or give farthing damages. The libel law at this period was strained to its utmost absurdity and injustice by the Judges.]

It is the rare happiness of the Press to have no enemies. Everybody professes to love it, and its sorest wounds are inflicted in vehemeat zeal for its welfare. It is a sweet comfort for the Press, amidst all its afflictions, that when it considers its condition, and sees and counts the many gashes it has received, it finds not one which has been the work of a hostile hand. It is indeed pierced, hacked, and hewed in all directions; but by whom? Not by its enemies,—for, as was the case with Gay's hare, "every creature is its friend,"—but by its admirers. Our gaping wounds are so many operations which our kind surgeons, the Judges, have performed upon parts, for the good of the whole body. The avowed truth is, that they love our Liberty above all earthly things, but abhor a little failing which they impute to us, and call our Licentiousness. When they get us before them, therefore, they operate with the knife on our licentiousness, for the sake of our liberty. They cut out our tongue and amputate our legs and arms, to preserve the freedom of the bleeding trunk. The idea of this method of treatment is not quite original: in one of Moliere's farces, a quack asks his patient—

"What do you do with this arm?"

Patient—"My arm!"

Quack—"We must cut off this arm immediately."

Patient—"The deuce! Cut off my arm?"

Quack—"It is the new practice. Don't we

"prune trees to make them healthy;—and don't "you see that this arm hinders the other from "thriving?"

Patient—"Aye. But I have occasion for my "arm."

Quack—"Here's an eye, too, which must be "instantly plucked out."

Patient—"Pluck out my eye!"

Quack—"Don't you see it injures the other, and "occasions mists? Have it taken away directly, "you'll see the better with your left."

It is on this principle that the Judges always argue for cutting off our arms and plucking out our eyes in their charges to Juries. The peccant member they urge is licentious, and injures our other part, our liberty; and we shall be all the better, they say, for the pruning. Now, really, we have never been able to discover distinctly where this other and admired part, this legitimate liberty, exists. We have been lopped away in all quarters, and our kind cultivators are now hacking away at our very roots; where then is our freedom, for which the operators profess such great respect and affection? We have rued our alleged licentiousness in every branch, but never yet been able to find out with any precision our much lauded liberty. The Judges must surely distinctly know what they praise so highly, and we pray them to give us an idea of it. The Licentiousness of the Press is a term of the very widest range, includ-

ing as it does any thing that is offensive to any body. The Liberty of the Press, on the other hand, seems to come under the mathematical definition of a point,—it has neither length, breadth, nor thickness. It is a name representing an impossibility,—a publication useful to the world and offensive to nobody. Chief Justice Best, in his charge to the Jury in the case of Stockley *v.* Clement, said—

" I shall always advise the Jury to visit with " damages the man, whoever he may be, who brings " *without just cause* any person before the bar of " the public, as it is sometimes called. In doing " this, I am by no means infringing on the Liberty " of the Press."

Here we at last thought that we had discovered a tangible proposition. We ask no more than the Chief Justice appears to concede in this passage. If the press attacks persons *without* just cause, it is right that the injured individual should have his redress; but the cause being just, it would follow, as a corollary, that the Press should not be subjected to molestation for its exposure of a wrong-doer. Such would seem to be the doctrine of the Judge in the above quoted sentence. He goes on however to contradict himself without loss of time :—

" The true Liberty of the Press is to circulate " useful information through the country—not to " infringe, by its licentiousness, on the office of

"Courts of Justice, and condemn persons without "their having an opportunity of defending them-"selves." So then, after all, it matters not whether the party is arraigned at the bar of public opinion with "*just cause*" or not; it is licentiousness to arraign him at all, for it is infringing on the offices of Courts of Justice! To call *Mr William Soames* a thief is consequently licentious! And what, according to Judge Best, is the Liberty of the Press?—"To circulate useful information through the country." But what is this permissible information? It clearly must be an information which does not offend any one in any way, or "infringe on the offices of Courts of Justice." The Parliamentary Reports, the Law Reports, the Police Reports, would not come under this description, as they all contain matter offensive to particular individuals; nor would any remarks on public events and the actors in them. The Liberty of the Press, then, we conceive, is the liberty of publishing the useful information, for example, that "an extraordinary large turnip was lately grown in the garden of Mr Jas. Dobson." It is the Liberty of the Press to announce to the world, that "a peal of triple bob majors, in the key of D, was rung round by the ringers of —— parish, in the short space of 13 minutes and 2 seconds; and that the tenor weighed 1 cwt. 14lbs." It is the Liberty of the Press to give to the world the useful information, that

" yesterday his Majesty came to town, and returned to Windsor in the evening." It is its licentiousness to say, that " his Majesty is not in the bloom of youth and beauty," and that " he measures more than the span of an eagle's talon in the waist." It is the Liberty of the Press to say that " Chief " Justice Best is a Judge eminent for the evenness " of his temper, and the profundity of his legal at- " tainments, and remarkable for the urbanity of his " manners and the peculiar graces of his conversa- " tion." The Liberty of the Press, according to the Judges, is a complete toleration permitted to sheer nothingness, or flattering lies; and what we have to avoid is summed up in *Figaro's* often-quoted and now particularly applicable description of a free press. The clause including the Opera used to be considered extravagant; but the decision on the prosecution of that worthy member of society, *Mr Bochsa,* has shewn the prudence of it. The extreme flights of Beaumarchais' comic imagination are rendered mere matter of fact by the grave decisions of the Sages of our Law, who will turn comedy into common place.—" Pourvu que je ne parle en mes " écrits, ni des gens en place, ni des corps en " credit, *ni de l'Opera,* ni des autres spectacles, *ni* " *des personnes qui tiennent a quelque chose,* je puis " tout imprimer, sous l'inspection neanmoins de " deux ou trois censeurs. Pour profiter de cette " douce liberté, j'écris de nouveau, et je fais un

" ouvrage periodique; et croyant ne marcher sur " les brisées de personne, je l'intitule Journal " Inutile," &c.

THERE is one body only which the Press is permitted to abuse with entire freedom, and which the more it abuses by falsehood, the more highly its conduct will be extolled by the authorities,—that body, we need hardly add, is the People. To misrepresent every circumstance of public affairs, to praise the incapable, call pillage necessary expenditure, and distress prosperity, are falsehoods tending to social injury which will never be numbered among the offences of the press. While indeed it deals only in these untruths, it is complimented on the quiet decorum of its conduct. In the invention of falsehood for the damage of the people, there is no offence; in the invention of falsehood to the discredit of the Government, there is the greatest. The reason of the distinction is obvious,—the hurtful delusion of the people is not a Government concern. In a democracy, however, it would be as just to punish a public writer for wilfully and corruptly com-

mending evil counsellors, as it is under a monarchy to chastise journalists for decrying super-excellent Ministers. In either case, the mischief to be considered should be the mischief to the public service, but in England the servant and not the service is regarded. The service is, with us, but the means—the servant's profit and pleasure the ends to be promoted through it.

For freedom of comment on public men and public measures, we shall always, to the best of our powers, contend; and for the mis-representation which finds its way into censure, we must console ourselves by reflecting on that immensely larger portion which enters into the praise. As for personal libels, we are far from requiring for the press impunity on that score, but we desire to see such offences tried with relation to all their circumstances, and cleared from the foul obscurity of fictions. We wish to see a charge of libel tried like one of assault, with reference to provocation, motive, and degree of injury. It is as idle to affirm that no one shall ever give pain to another by a comment as by a blow; there are circumstances which render the comment or the blow excusable, necessary, or praiseworthy. Either, unprovoked, or where the general good in view does not countervail the pain to the individual, is blameable. Men should be left as free to vindicate virtue and

restrain vice, as to assert the rights of property—as free to raise the hue and cry against the jobber, the peculator, the oppressor, as to resist the bully or the thief.

FRENCH AND ENGLISH LIBEL LAW.

THE French Government is about to introduce some improvements into the law of libel, and not without reason, for it is plain that at present it lacks the perfection of our law, to which the enemies of freedom throughout the world now look as to a model. A recent example shows the very defective state of the existing French law. A M. Berbiguier lately published an elaborate work, in three huge volumes, in which he demonstrated the existence of hobgoblins, described the proper manner of capturing and securing them, and took credit to himself for his zeal for the benefit of mankind in allowing no day to pass without imprisoning, with his own hands, at least thirty hobgoblins. A writer of biographical notices of contemporary authors, who believed neither in M. Berbiguier's manner of catching hobgoblins nor in the existence of hobgoblins, did not scruple to say that M. Berbiguier

was mad, and M. Berbiguier upon this brought his action for libel; but unluckily, together with his action, he brought himself into Court, and established in a very few words the truth of the libel. His advocate having laid the damages at 3,000 francs, M. Berbiguier interposed, and the following account of what passed is taken from the Report of the trial:—

"What! Mr Advocate, is it thus you support the interests of your clients? Three thousand francs for a work which has cost me fifty years' labour! The least I can insist upon is—6,000 francs; and then gentlemen will soon be convinced of the modesty of my demand; for my work, which every one ought to know, not only proves the existence of hobgoblins, but treats of the means to be employed to take them alive.

The President.—We have nothing to do with your work, or the existence of hobgoblins; the only thing to be ascertained is, if the article in question is libellous or not.

M. Berbiguier.—Ah, you see the author is afraid of me; he dares not appear; and he is right, for I should soon *put him into a bottle*, (*Laughter.*) M. Berbiguier then approached the bench, his work under his arm, his hand upon his heart, and his pockets stuffed out with objects, which afterwards came to light. "Gentlemen," said he, "I am a benefactor of man-

kind, in whose name I demand justice. I have written to all the kings of the earth to inform them of my battles against the hobgoblins, against those maleficent beings who are the cause of all crimes, misfortunes, murders, conflagrations, inundations, &c. From my youth I have been employed in the service of humanity, and I am now the victim of defamation; my devotion towards mankind will no doubt entitle me to prompt and signal justice." The amused audience were listening with the most profound attention, and endeavouring to restrain an explosion of laughter, when M. Berbiguier, feeling the necessity of convincing them of the truth of his assertions, drew from his pocket two brushes, the hairs turned towards each other, and tied together with a riband. "These brushes, gentlemen," said he, contain the souls of the hobgoblins who came to attack me last night. (*General laughter.*) Look at this bottle (and he drew one from his pocket)—well, it contains millions of hobgoblins. [An Advocate near M. Berbiguier could not repress a burst of laughter.] "Oh, laugh as long as you like," replied the plaintiff, "but were it not for me, you would not be so much at your ease, nor even the Judges upon the bench." (*Shouts of laughter.*) M. Berbiguier, without being disconcerted, continued—"Mr President, you see this instrument; well, if there be in this assembly a single

damned soul, in two minutes you shall see it in this bottle."

The President told him to confine himself to the question of defamation, and not indulge in such incoherent language.

M. Berbiguier.—So much the worse for you, if you see the matter in that point of view: it appeared to me that it might not be useless to you to learn the manner of catching hobgoblins: if at night, for instance—

The President.—Let your counsel plead for you.

M. Berbiguier.—I am not a Satanist; I have protected the four quarters of the globe. I have always followed the precepts of Jesus Christ. I trample upon the demons. The wretches! they hinder me from selling my excellent work. Last night, Dr Pinel, who is also a hobgoblin, came to torment me. I struck him with my iron bar. I ought to have taken him.—[The gravity of the President himself could no longer resist, and shouts of laughter became general.]

M. Berbiguier.—Laugh, laugh—so much the worse for you, if you are Satanists. I adore God, my Saviour; but still I am desirous to convert you. To-morrow I shall bring you, in another bottle, the damned soul of Dr Pinel—you will then probably recognise all the important utility of my discoveries.

The President here ordered M. Berbiguier to be silent; and the Court deciding that there was no

27166

ground for a charge of libel, *nonsuited* the Destroyer of Hobgoblins, with costs."

It is not thus that we deal with matters of libel. In the first place our justice is blind, and cannot or will not see any solution of the question at issue immediately under its eyes. M. Berbiguier brings an action for libel against a writer who called him mad, —M. Berbiguier informs the Court of his manner of catching hobgoblins, and the Court, with a simplicity of proceeding quite inconsistent with our ideas of evidence, is satisfied at once that M. Berbiguier is as mad as he has been described, and dismisses the case. Now, had a M. B. in our country been called, we will say, a thief,* and had M. B. brought his action for libel, and employed himself in picking pockets under the very eyes of the Judges,—thus establishing by the best evidence the truth of the alleged libel,—the Bench would not have allowed such evidence to influence its charge to the Jury; and if M. B. should have proceeded by way of indictment, (the gist of which is the tendency to the breach of the peace), the fact would have been wholly irrelevant to the question at issue, and a verdict would have been given for the plaintiff. Had M. Berbiguier had the happiness of living

* A foreigner sentenced abroad to convict-labour for forgery, indicted the proprietor of a newspaper for the publication of the fact in proof of unfitness for a place of trust, and the Jury, under the direction of the Judge, returned a verdict of Guilty.

among us, he might, with perfect security of a triumphant result, have indicted the author who dared to describe him as mad; and his display in Court, which lost him his cause in France, would either have passed for nothing or actually strengthened his case—as the greater the truth the greater the libel. Let us imagine that M. Berbiguier had published his work on the proper manner of dealing with hobgoblins in this country, that a newspaper writer had called him mad, and that he had proceeded against the journal by indictment in the Court of Common Pleas. Then surely the Chief Justice, instead of dismissing the case like the French President, would have addressed the jury to this effect:—

" Gentlemen of the Jury: This is an indictment " for a libel alleging the plaintiff to be a man of " insane mind, and thus tending to provoke a breach " of the King's peace. The truth or falsehood of " the publication, gentlemen, is a matter of se- " condary consideration. The first question is, " whether it is of a character to provoke a breach " of the peace,—the gist of the present proceeding, " —and if so, the truth of the publication cannot " extenuate, but must, on the contrary, heighten " the offence of it, as disagreeable truths are less " likely to be patiently borne than disagreeable " falsehoods, which may be passed over with con- " tempt. Now there are few things more irritating " to man, who prides himself on his reason, than

" an imputation of madness; and none therefore
" more calculated to provoke a breach of the peace;
" and if it should be your opinion, gentlemen,
" that M. Berbiguier is indeed mad, the libel is
" the greater, because to tell a madman that he is
" mad is the very surest way of irritating him to acts
" of frenzy. And what right, gentlemen, has the
" defendant to take upon himself to denounce any
" of his Majesty's subjects as mad? I will tell
" him and all other journalists, that the Press has
" no right to usurp the functions of tribunals espe-
" cially appointed, when such melancholy ques-
" tions arise, to inquire into these matters. The
" true liberty of the Press is to circulate useful
" information through the country,—not to infringe,
" by its licentiousness, on the office of Courts of
" Justice and condemn persons without their having
" an opportunity of defending themselves *. There
" are Commissions of Lunacy, gentlemen, to in-
" vestigate cases of alleged insanity, and we want
" no newspapers to invade their legitimate pro-
" vince. If M. Berbiguier is mad,—and God for-
" bid that I should prejudge him,—the law has
" appointed a tribunal competent to pronounce
" him so, and to direct such steps as may be neces-

* Charge of Chief Justice Best in Stickley *v.* Clement.—" The true Liberty of the Press is to circulate useful information through the country, not to infringe, by its licentiousness, on the office of Courts of Justice, and condemn persons without their having an opportunity of defending themselves."

" sary for the care of his person and property.
" But, gentlemen, whether M. Berbiguier be mad
" or not, this is a most mischievous and malignant
" libel, tending, in the one case, to provoke a
" madman to a breach of the King's peace, by
" touching him on that which we know to be the
" sorest point to the insane; or, in the other case,
" supposing him not to be mad, it is a most mischie-
" vous and malignant libel, imputing, as it does,
" to a man of sound mind an affliction which will
" cause him to be shunned and avoided by his
" fellow-creatures. Having recommended these
" considerations to your attention, gentlemen of the
" jury, I leave you to decide upon your verdict as
" your consciences may direct."

Something to this effect would have been the speech of a Judge on a M. Berbiguier's case in this land of free discussion; and until the French Government adopts our law of proceeding by indictment, it cannot expect its Judges to to rival the exhibitions of our Bench, and to command the envied verdicts of our Juries. Our law is consistent; the very essence of it being fiction, it has a natural antipathy to truth, and accordingly it commences its operations against truth by putting it *hors de combat*. The French law, as appears from the case we have quoted, is not so complete, and its ministers are obviously not sufficiently imbued with a love of fiction, nor struck with the blindness necessary to our justice, which prefers listening to

the worst testimony to seeing the best proof. Our Bench would never have condescended to perceive that a M. Berbiguier was mad,—nay, they would have rejected this evidence, for is it not a maxim that a man cannot convict himself?

TEACHERS.

A TRUST is generally accounted honourable in proportion to its importance and the order of the qualities or acquirements requisite for the discharge of it. There is, however, one striking exception to this rule in the instance of the instructors of youth, who, especially appointed to communicate the knowledge and accomplishments which may command respect in the persons of their pupils, are in their own denied everything beyond the decencies of a reluctantly accorded civility, aud often are refused even those barren observances. The treatment which tutors, governesses, ushers, and the various classes of preceptors, receive in this boasted land of liberality, is a disgrace to the feeling as well as to the understanding of society. Every parent acknowledges that the domestic object of the first importance is the educution of his children. In obtaining the

services of an individual for this purpose, he takes care to be assured that his morals are good, and his acquirements beyond the common average,—in nine hundred and ninety-nine cases out of a thousand, we may add, beyond those which he himself possesses, and on which he sufficiently prides himself. When he has procured such a man as he believes this to be, he treats him with perhaps as much courtesy as his cork-drawer, and shows him less favour than his groom. The mistress of the family pursues the same course with the governess which the master adopts towards the tutor. The governess is acknowledged competent to form the minds and manners of the girls — to make indeed the future women: but of how much more consequence in the household is she who shapes the mistress's caps, and gives the set to her head-dress—the lady's maid!

The unhappy teachers in almost every family are only placed just so much above the servants as to provoke the vulgar desire to pull them down, an inclination in the vulgar menials which is commonly encouraged by the congenial vulgar and jealous pride of the heads of the house, impatient of the intellectual equality or superiority which they have brought within their sphere. This remark, however, does *not* apply to the narrow-minded only. All of us regard too lightly those who make a profit of imparting what all of us

prize, and what we know entitles us to respect when we possess it. Some carry their neglect or contempt farther than others, but all are in a greater or less degree affected by the vicious standard of consideration common in our country. The instructors of youth serve for low wages; that is a sufficient cause for their being slighted, where money puts its value on every thing and being. The butler and groom indeed serve for less than the tutor; but, besides the lowness of price, there is another peculiar circumstance in the condition of the last, which is a claim to respect on the score of the very acquirements that in the market command so slender a requital. It is this very claim, so ill substantiated in money, the secret force of which wounds the self-love of purse-proud nothingness, which sinks the poor tutor in consequence below the man of corks or currycombs. We will not deny too that there are families in which the care of wine and the training of horses are really accounted, though not confessed, of superior importance to the care and training of youth. These are extreme cases, however, on which we would not argue. The common case is that of desiring and supposing everything respectable in the preceptor, and denying him respect—of procuring an individual to instil virtue and knowledge into the minds of youth, and showing at the same time the practical and immediate example of virtue and knowledge

neglected or despised in his person. How can a boy (and boys are shrewd enough) believe that the acquirements, the importance of which is dinned in his ears, are of any value as a means of commanding the respect of the world, when he witnesses the treatment, the abject social lot, of the very man who, as best stored with them, has been appointed his instructor? Will he not naturally ask, How can these things obtain honour for me, which do not command even courtesy for him who is able to communicate them to me?

We remember in a little volume treating on instruction to have seen this anecdote:

A lady wrote to her son, requesting him to look out for a young woman, respectably connected, possessed of various elegant accomplishments, and acquirements; skilled in the languages, a proficient in music, and above all, of an excellent temper and unexceptionable moral character; and to make her an offer of 40*l.* a-year for her services as a governess. The son's reply was—

"My dear Mother,—I have long been look-
"ing out for such a person as you describe; and
"when I have the good fortune to meet with her,
"I propose to make her an offer, not of 40*l.*
"a-year, but of my hand and fortune, and to ask her
"to become, not your governess, but my wife."

Our reflections on this subject have been suggested by an interesting letter in the *Times*. It is the complaint of one of the subordinates of the class:—

"I am a graduate of the University of Cam-
"bridge, and having nothing else to depend on for
"my livelihood than my intellectual acquirements,
"I accepted the situation of a classical and mathe-
"matical assistant, at Midsummer last, in a school
"not twenty miles from London, deeming it a
"respectable occupation, and imagining that I
"should not be liable to any duties, nor experi-
"ence any treatment, derogatory to a gentleman.
"But in this I grossly miscalculated, and was
"greviously disappointed; for though my educa-
"tion and connections entitled me to the rank
"of a gentleman, yet, on commencing my engage-
"ment I found I was looked upon in the light
"of a servant, or as a being of inferior order, unfit
"to associate with my employer. My breakfast
"was served up at my desk in the school-room,
"ready made, in a compendious form, as if I were
"a mechanic or a labourer. At dinner I was
"treated like the boys, with this difference—that
"I was obliged to see them all served before I
"sat down; tea and supper were served in
"the school-room like breakfast; and during the
"whole half year I did not take a single meal
"even in the same apartment with the principal,
"nor did I enter a room that had a carpet.
"But I have not as yet reached the summit. The
"servants regarded me as one of their own class;
"I was consequently obliged to clean my own
"shoes, &c. The principal rarely condescended

" to speak to me; but when occasion required it,
" he addressed me in the tone of an eastern despot
" to a slave, and whenever I came in his presence,
" his looks implied an expectation that I should
" wear a livery on my brow; yet, though he
" studied to degrade me in the eyes of the boys,
" and informed them that I should on no account
" correct them, he expected from me the fruits of
" an influence over them which could be acquired
" only by fear and respect. This, Sir, is a slight
" sketch of the mortifications to which I was
" wantonly exposed, and to which necessity
" obliged me to submit. If I imagined that my
" case was singular, I would not attempt to
" obtrude it on public notice; but I have reason
" to feel convinced, that the generality of the un-
" fortunate class to which I belong, throughout
" England, have a similar cause of complaint. It
" is a melancholy fact, Sir, that no assistant
" can feel comfortable in a school in this country,
" which boasts of the freedom of its institutions, un-
" less his feelings be callous to every species of in-
" sult,—a circumstance which contributes not a
" little to the expense of education, for it is im-
" possible for any assistant who feels himself ill-
" treated and despised, to consult the interest of
" the principal, or be solicitous for the improvement
" of his pupils. I confess that my service, as also
" that of my coadjutors, during the last half year,
" was entirely 'eye-service;' and that if I felt an

" interest for my employer, my pupils would have " profited at least one-third more than they have, " with the same ease; and in this I felt justified, " for I conceive the duties of master and assistant " to be reciprocal—that the former is under as " strong an obligation to provide for the comforts " of the latter, as the latter is to consult the interests " of the former. It might be attended with a salu- " tary result to all parties, if parents and guardians " would make it a point not to send their children " to any school in which the assistants were not " properly treated, for a neglect of the pupils is the " obvious consequence—*Quicquid delirant reges,* " *plectuntur Achivi;* or, as a modern poet says, " 'When Kings dance, subjects must pay the piper.' " I do not mean, Sir, to insinuate that this cruel and " impolitic conduct of schoolmasters towards assist- " ants proceeds from an obliquity of mind, or a pro- " pensity to torment their fellow creatures. I ap- " prehend that it results rather from a jealousy of " an intrusion into their empire, and a disposition " inseparable from the heads of the scholastic pro- " fession, to monopolize to themselves the entire " homage and undivided allegiance of their pupils, " who cannot feel disposed to respect assistants that " submit to such degrading treatment.

" A School Assistant."

Walter Scott, in his preface to 'Old Mortality,' has drawn a touching sketch of the poor teacher's

lot, to the necessary hardships of which it is quite unnecessary to add contempt:—

"'Most readers,' says the manuscript of Mr "Pattison, 'must have witnessed with delight the "joyous burst which attends the dismissing of a "village-school on a fine summer evening. The "buoyant spirit of childhood, repressed with so "much difficulty during the tedious hours of dis-"cipline, may then be seen to explode, as it were, "in shout, and song, and frolic, as the little urchins "join in groups on the play-ground, and arrange "their matches of sport for the evening. But "there is one individual who partakes of the relief "afforded by the moment of dismission, whose "feelings are not so obvious to the eye of the spec-"tator, or so apt to receive his sympathy. I mean "the teacher himself, who, stunned with the hum, "and suffocated with the closeness of his school-"room, has spent the whole day (himself against a "host) in controlling petulance, exciting indiffer-"ence to action, striving to enlighten stupidity, and "labouring to soften obstinacy; and whose very "powers of intellect have been confounded by "hearing the same dull lesson repeated a hundred "times by rote,' and only varied by the various "blunders of the reciters. Even the flowers of "classic genius, with which his solitary fancy is "most gratified, have been rendered degraded, in "his imagination, by their connection with tears "and errors, and with punishment; so that the

"Eclogues of Virgil and Odes of Horace are each "inseparably allied in association with the sullen "figure and monotonous recitation of some blub- "bering school-boy. If to these mental distresses "are added a delicate frame of body, and a mind "ambitious of some higher distinction than that of "being the tyrant of childhood, the reader may "have some slight conception of the relief which "a solitary walk, in the cool of a fine summer "evening, affords to the head which has ached, and "the nerves which have been shattered, for so many "hours, in plying the irksome task of public in- "struction.'"

In this picture we observe that truth and power of description which is derived from fine feeling. Without being deeply penetrated with his subject, Scott could not have produced this affecting sketch. It is melancholy to reflect, that many of the individuals whose hardships are so graphically set before us, have, as assumed by our author, minds ambitious of higher distinctions, and often cultivated for them: and it is disgraceful to the temper of society to consider how rudely these claims to tenderness, if not to honour, are negatived. Surely, for the credit of superior natures, *mind* should in every station find its respect.

THE THIEVING TRADE BEFORE THE IMPROVEMENT OF THE METROPOLITAN POLICE.

THIEVING is becoming a highly respectable business. It will soon rank as a profession. The profession of arms, the ancient profession of rapine and murder, has been accounted honourable in every age and clime; the profession of fingers is rapidly elevating itself to the same dignity. We trust that the thieves are properly sensible of the advances they are making in the social scheme, and that they begin to take a becoming pride in their vocation. All men should be aware of their own places in society, and if the thieves do not already know it, it is time they should learn that they are raising themselves to the condition of an independent power in the body politic. For this promotion they are mainly indebted to the Police and the Law of the country. Society has been made to prefer Thievery to Justice, and to rely on the moderation of the plunderer, rather than on the protecting care of Themis. The consequence is, that all discreet people renounce the vengeance, as it is called, of

the law, and compromise with the thief, instead of suffering a total loss by confiding themselves to the griping hands of justice. Thieves are just raised to the comfortable and respectable condition of predatory Arab tribes, and this great civilized and densely peopled city is, as far as law is concerned, their desart—one vast uninterrupted field for their depredations. Men of course do their best in London, as in other barbarous lawless spots, to take care of their treasure; and like the travellers in caravans, they have the hollow show of a guard in what is termed a police; but when the thieves have fixed their hearts on the booty, there are no means of resisting the robbery, and the public have only, like the before-mentioned travellers through the eastern wilds, to make their terms with the plunderers; and so much more moderate than justice are thieves, that they seldom or never find it consistent with their ideas of right to let a man be stripped of the whole of his property. In the case of Messrs. Johnson and Grimaldi,* the thieves allowed the parties to escape with a loss of 1,500*l.*—could they have hoped for as happy and cheap a result from Law? No:—but what a sore scandal to compound a felony! True, it would be so, if we had the protection of a Police, and laws of certain application. Wanting these two things, people are obliged to do the best they can for themselves.

* Parties who had been robbed of property of great value.

Our Government is, as we conceive, the very best Government under the sun, having only this one fault; that it does not accomplish the main object for which a Government is instituted—the protection of the life, limbs, and property of individuals. We support a Government to take care of *us*, but the Government applies the means to taking care of itself, and coolly leaves the people to shift for themselves. In the *Times* newspaper we observe that the inhabitants of certain wild regions, called Clapham, South Lambeth, and Stockwell, are combining together for their common protection against thieves, an end which has not yet been accomplished for them by the Government of that country to which they geographically and fiscally belong. The blessings of a police, it would seem, have never been extended to these poor deserted people: we wonder whether the taxing-man has ever found his way to their abodes? Surely they must be as far *ultra* impost as protection. These people of South Lambeth, Stockwell, and Clapham, are, in the most thickly inhabited part of the county of Surrey, and in the second quarter of the nineteenth century, taking the very first step in civilization, in apparent unconsciousness of what is due to them from the most expensive Government that ever was endured by a highly taxed and ill-served people. We make no doubt that these poor unprotected people of South Lambeth, Stockwell, and Clapham, are utterly ignorant that it is the

object and end of Government to do that for them which they are with such beautiful simplicity planning to accomplish for themselves. If asked the purpose of a Government, they would probably answer that a Government was intended to support the King and all the rest of the Royal Family, to be a reason for Government houses, Government offices, palaces, barracks, navies and armies, places, pensions, and sinecures; but that it had nothing whatever to do with the security of citizens, and the coercion of rogues. We send ships full of fighting men against pirates in the West Indies, navies against disorderly Turks in the Mediterranean, and we grudge a few scores of patroles to keep in check a population of greater robbers and ruffians than these in the very heart of our metropolis. What a grand accession to the strength of our police would be the force of a single regiment of infantry! At its cost, what an efficient body of patroles, &c. might be maintained! But the protection of the people from violence at home is a matter of no concern; the pretext of protecting them from possible violence from abroad is everything. What a blessing it would be had we Codringtons about the Strand and Cheapside, to range alongside and fall aboard pickpockets, as our Admiral proceeded with the Turks. Our happiness, of a truth, is not domestic. The Grand Seignor is not suffered to commit a breach of the peace in Greece, without being instantly *floored* by our nautical police: were

he to come over here, however, professionally, he might, if he were so inclined, steal the Crown jewels from the King's crown with tolerable safety, or pick the eyes out of his head, and offer him a pair of spectacles as a compromise. Everything is possible to a regular thief in England.

The recent treaties between the plundered and the plunderers have awakened the attention of Lord Lansdowne, who has issued some letters on the occasion, with a view to the detection of the officer who, it is alleged, has been a party in the negociation. It is thus that we are perpetually attempting to cure symptoms, instead of the disorder which is the cause of their appearance. It is the want, the utter absence of adequate protection, which makes the individual seek compromises with thieves; and it matters little who is the agent of the negociation. Nay, we know not that the police, as organized, can be more usefully engaged than as an auxiliary to the thieves. As it does not in any degree answer the purpose of protection, it is something to render it useful as a medium of partial restitution. The service is scandalous, we know; but so are many services that are useful. The business of a police-officer seems merely to be an acquaintance with rogues, and he makes this acquaintance available to the plundered party in the way described and reprobated, with what justice we shall best show in the words of the able Editor of the *Morning Chronicle*:—

"The man who has already suffered from the "defectiveness of the public institutions, is the last "man who ought to be called on to suffer still more "for the public. It is true that the law says he "ought to forego the attempt to recover his pro- "perty, and that he ought to ruin himself for the "good of his country; but we know that men ruin "their country willingly for their own good, but "never ruin themselves for the good of their "country (at least since the days of Decius;) and "that the principle of the law is, therefore, unjust, "and cannot be executed. The people of England "choose to be, in a great measure, without Law "and without Police; they have reached a very "distinguished point in industry and civilization "without them; and as we are all the creatures of "habit, it is probable that they will continue to rub "on without them. But be this as it may, it would "be hard if individuals were to be deprived of "the power of resorting to those shifts for securing "themselves independently of the law, to which "men thrown on their own resources will naturally "betake themselves. The Grand Seignor is so- "vereign of the wild regions harassed by the Arabs; "but Turk as he is, he does not complain of cara- "vans which have been plundered, negociating "with the Arabs for the restitution of their pro- "perty. The English, in like manner, must manage "with the Arabs in the best way they can."

In the present state of things those inhabitants

of South Lambeth, Clapham, and Stockwell, have set the country a very judicious example in taking measures for securing their own safety, or in effect creating a little practical good government of their own. If, indeed, they could add laws and judges to their system, they would accomplish all that for which the taxing-man makes such frequent and heavy calls on them. If the whole country were to follow this example, and we don't know that it can do better, it would be curious to speculate whether people would ever ask themselves the question, for what they support at so large a cost the other costly Government which lives like a person of quality in London, and does nothing:—is it simply to belabour Turks, send expeditions to Portugal, and Lord Johns and Toms to Colonies?

GAME-PRESERVING, AND MAN-DESTROYING.

We rejoice to see the rule of law distinctly laid down by Mr Justice Bayley, that no gamekeeper has any right to use or carry fire-arms against any poacher; and that no proprietor of game has authority to bestow such a power on his servants.

It is well that this proposition is at length expressly stated, and it is a reproach to the class which we are told constitute our *grand distinction*, that the statement of it should have been rendered necessary by their practices. We question whether there is at the present day another civilized country in the world, in which it is requisite to admonish those members of society who form its *grand distinction* that they are not entitled to take the lives of men, in the protection of wild birds.

This is a truth which would even now escape the perception of our Squirearchy, but for the authority and rather alarming force it derives from the place whence it emanates. As we observed some few months ago, a more ferocious system of hostility has prevailed in many game-preserving districts between squire and clown, landlord and labourer, than is acted on in a state of open war by any civilized belligerents. The poacher, or supposed poacher, found trespassing at night, has received the treatment of a noxious animal—to secure him or shoot him being the only alternative proposed. A youth has just been tried at Thetford, for shooting a Parson under the impression that he was a poacher. The two parties who had separated in quest of poachers met unexpectedly, mistook each other for the enemy, and interchanged shots. The Clergyman, who was himself armed, fell mortally wounded. The defence of the young man who fired the fatal shot was panic; he knew not what he did, or was unable to distin-

guish at the instant a poacher from a parson. We must endeavour to provide against such panics, by teaching these gentlemen that the animal man is entitled to a little more law than they accord to their pheasants, and that they must not shoot him even though he is flying, and they have ascertained that he is *game*.

The whole system at present revolves in a vicious circle: the poacher is led to offend by a powerful temptation, and driven to a desperate resistance by the dread of the consequences in the event of apprehension; his violence begets violence again on the other side; or each, anticipating it in the other, resorts to it before the occasion arises, and thus the parties spring at each others' throats in the manner of animals prompted to a mad conflict by natural antipathy. That the game preservers and game stealers are in these relations of hostility is not denied; that the results are most disastrous and unsocial is not disputed; and it is all but admitted that while the exclusive enjoyment of game is permitted to a class these evils must be continued; why then is not the grand remedy, the removal of the cause of so much strife, proposed? Sir Francis Burdett and other Members voted for Mr Martin's Act for the prevention of cruelty to animals, on the principle that the law ought to prevent any practice which has a tendency to injure the morals of the community. If we observe that up to the present hour the preservation of game for purposes of sport

has had this effect, and that the Legislature cannot propose any means of obviating the effect, are we not justified in requiring the removal of the cause, on that principle which has already been established and acted on by the Legislature? This resource is yet far from the contemplation of our *grand-distinction*-folks. If it is proposed to deprive them of the use of machinery for man-slaying, they object, "then we shall be obliged to keep on foot armies of gamekeepers to wage war with the poachers." Any expedient strikes them as necessary and just except the sacrifice of a pleasure to the peace and morals of the country. While they retain the legislative power in their hands, therefore, we must despair of an abatement of this stupendous nuisance. Well it is, however, in the mean time, that the Judges seem disposed (from what cause we shall not stop to inquire, giving them the grace of the act) to check manslaying for game. The doctrine quoted in the commencement of this article ought to settle the question of the legality of spring guns, for if it is not lawful for landlords to shoot trespassers by deputy, it cannot be lawful for them to shoot by machinery. If no proprietor of game has authority to empower his servant to use or carry any fire-arms against a poacher, no proprietor of game has the right to load a gun and point it for the destruction or mutilation of a trespasser. If he cannot employ an agent possessed of some discretion for such a purpose, still less can he employ

one which has none, and which kills and maims any creature that treads on a particular spot. The Country Gentlemen, our *grand distinction*, struggled hard for their spring-guns in a recent debate, alleging above all things the cheapness of man-shooting by machinery. Sir John Shelley too, who is one of our *grand distinctions*, assured us that these engines strike so wholesome a terror into the poachers, that the bare notice of their being set answers the purpose. As Mr Sidney Smith says, our quarrel being with the powder and ball only, we would then permit the use of threatening notices, but abolish that of the engine and the ammunition.

DISSOLUTION OF THE GODERICH MINISTRY.

[THE Goderich Ministry did not meet Parliament. The chief had not energy enough to put down a feud between Mr Huskisson and Mr Herries about the appointment of Lord Althorp to the chair of the Finance Committee, and the King relieved him of his difficulties by commanding the Duke of Wellington to form an Administration. The gentlemen whose dispute had broken up the Goderich Administration, took office together very smoothly under the Duke of Wellington.]

THE news of the dissolution of the Goderich Administration may have filled the creatures of corruption with exceeding joy, but we very much doubt whether it will have affected the honest and intelligent with an equal regret. We cannot close our eyes to the fact that there was no sympathy with the late Ministry; it never put forth any of those demonstrations which call forth the cordial support of men; it wanted decision, fixed purpose, and that courage which comes from a consciousness of good intention, and also of the strength necessary to give

effect to it. We saw, indeed, in its cradle how it comported itself when assailed by its enemies,--instead of throttling the reptiles like an infant Hercules, it sent forth the most piteous appeals to the courtesy and forbearance of the poor blind worms (we will not dignify them with the parallel of serpents) which were molesting it. In the House of Peers Lord Goderich too early discovered the unresisting softness of his nature. The occasion (in the Administration of Canning) called for a man of iron, who would have smitten the proud Peers with a mailed hand, and drawn blood for every petulant breath; it was met by the submissions of a spaniel who threw himself, supine and helpless, on his back, held up his paws for mercy, wagged his tail in token of his gentleness, and lolled his tongue to lick the rude arm that threatened him. We thought highly in former times of Lord Goderich—highly of him as a man of pure intentions, liberal views for one of his class, average abilities, and rather superior skill in business. As a subaltern he was respectable; as a chief he has shewn himself despicable. He appears to have wrecked the Government through sheer pusillanimity—a pilot scared by the whistling of the winds through his stout cordage! His very amiabilities have, it is affirmed, been auxiliary to this unhappy result. "Private Vices," says Mandeville, "are frequently Public Benefits;" we are almost tempted to maintain the converse, and to hold that Private Virtues are often Public Mischiefs. George

the Third's constancy to his wife and his shoulder of mutton, his taste for regularity and simplicity, and the blameless tenor of his domestic life, enabled him to plunge us into wasting, unjust, and unnecessary wars. Had he kept various concubines, and dined off French dishes at nine o'clock, the people would have had a lively perception of the depravity of his politics, and an intimate persuasion of their wrongs. As it was, he soared to heaven between the shoulders of mutton and the arms of his wife: two o'clock dinners, and conjugal fidelity, procured the remission of his political sins and his canonization as a Royal Saint. How dearly we have paid for his mutton and his marital virtue! Look then at the Ministers we have had. Lord Londonderry, the most intolerable mischief that ever was cast by an angry Providence on a helpless people—a thing in the political world like what stone is in the bladder—a heavy curse—an incessant, ever-growing, ever-grieving torture, insignificant in its nature, agony in its effects:—this man was in private life universally beloved. Every being about him spoke of him in terms of the warmest affection. This character enabled him to bear up against the public obloquy. Lord Sidmouth again, the patron of treachery, the encourager of blood-money plots, was a person of unblemished private repute, and esteemed for his benevolence. Lord Bathurst, the tutelary genius of colonial tyranny, is accounted a pattern man—an infallible arbiter of right and

wrong everywhere out of his office. Lord Eldon's domestic life is without spot; it is the pure white opposed to the unrelieved blackness of his political life. Lord Bexley is the single exception that occurs to us; he sings psalms in his pleasure grounds, carries the hypocrisy of office into his social circles, forgets, in short, like Joseph Surface, that "he is among friends," and is pretty considerably disliked. From these men, who on the credit of their private virtues became public mischiefs, we come to a Goderich, whose good properties and capacity for the service of his country are absolutely destroyed by his very amiability. What in a great measure enabled a Londonderry to be so great a mischief, utterly disables a Goderich for good. What a perversity is this!

Many stories respecting the immediate causes of the breaking up of the Administration are afloat, and all of them, doubtless, partake of the exaggeration and heightened colouring which belong to such moments of excitement. When the irritation has a little subsided, these representations will settle down to those forms which truth assigns them. Till then we shall postpone our remarks. We cannot, however, forego the present opportunity of protesting against the *manner* in which Mr Herries is attacked in the *Times*. He is condemned, not because of any alleged unfitness for his office, and not on the sole and sufficient ground of his having caused the removal from power of abler and better

disposed men, but because *nobody knows who he is;* because he is a *parvenu* and a clerk! A man may be comparatively very unknown, and positively very able; he may be a mushroom, a person of yesterday, whose lineage is lost above one generation; but our business is not with his grandfather, but with himself: he may have been a clerk, and not the less qualified for the duties of a superior. Mr Herries may be a very improper person for the Chancellorship of the Exchequer; many informed persons think him so; but he is not proved an improper person because nobody knows him, because he is a mushroom, and because he was a clerk. These are illiberal topics of disparagement.

THE EXPLANATIONS.

It appears from the statement of Lord Goderich, that the proximate cause of the dissolution of the late Ministry was the squabble—(we can give it no more respectable designation)—between Mr Huskisson and Mr Herries, respecting the appointment of Lord Althorp to the chair of the Finance Committee. Mr Herries, with the spirit of a waiting woman, took huff at the nomination, not because he judged it an improper one, but because forsooth he

had not been consulted. For a season he pouted, and when the hour of duty approached, he vowed he'd quit the place if the point were not conceded. Mr Huskisson bounced too; Lord Goderich was in fits at such a commotion in the Cabinet, and instead of turning the termagant slut out of doors, went to the King, with his finger in his mouth, to represent the broil which he ought to have repressed, and was very naturally dismissed for his pains. The head which could not govern the hands was no head for a Monarch who loves his own ease so ardently as George IV. Premier Log was therefore forthwith cashiered by our Jupiter, and Premier Stork installed in his place. The subject Nation croaks at the change. Good Lord! what a bill!

After this revolution in the Government has taken place, we look about us, and the first objects that strike our eyes are the two hussies who have caused the explosion very comfortably seated together, their differences settled, their caps readjusted, and all as smooth as treachery between them. These Huskissons and Herrieses are obviously like sheers, which "ne'er cut themselves, but what's between them." They sliced off the gentle pumpkin head of the Cabinet in the twinkling of an eye by coming together, but remain, after the mischief is done, screwed to each other as fast as ever. We often see in the streets of this well-regulated metropolis two fellows hustle each other, brawl, lug off their coats, and set too, a ring is formed; the whole

neighbourhood rejoices in a row. Peaceable unsuspecting people push in to part the combatants, are knocked down incontinently, and have their pockets picked of their offices—their watches and money we should have written, but our pen slips into politics. The next moment the gentlemen whose fray has disturbed the district, and caused such disasters to well-disposed persons, may be seen sitting amicably in the same box in the flash-house, enjoying the plunder.

It is deserving of remark, that from the speech of Mr Huskisson at Liverpool, no one would have imagined that he had been in any way concerned in the causes that broke up the Cabinet. Lord Goderich distinctly ascribes its dissolution to the unadjustable differences between Mr Herries and Mr Huskisson (unadjustable just so long as there was an imperative reason for their adjustment:) Mr Huskisson declares that no blame attached to any of the Members, but insinuates that the head was in a bad way.

Now let us see what Lord Goderich says:—

"No objection was made by the Chancellor of "the Exchequer—no offence was taken by him at "the time, as far as I have heard, to anything that "had been done. It did however so happen, that "the next day—after he had had the subject under "his consideration—he found that there were very "strong objections to the proposed appointment "which had been so submitted to him. He stated

" those objections to me; but I understood them " to refer much more to the fact, that no previous " communication had been had with him, than to " the individual who had been named, and to whose " appointment he could not accede. Explanations " followed between the Chancellor of the Exche- " quer and the Secretary of State for the Colonies, " and various letters passed between them. I cer- " tainly considered these explanations perfectly " satisfactory; and so, I have every reason to be- " lieve, did the Secretary of State for the Colonies."

Here we find it represented that Mr Herries's objection was not to the appointment of the individual, but to the manner of it, which was displeasing to his pride. He had not been consulted: that was the ground of the huff—a *huff* which, like that at the game of draughts, was to take off a man.

We now come to the most important part of the Chapter of Explanations—the Duke of Wellington's assertion that no guarantee of the principles of his government has been given to Mr Huskisson, that no conditions have been made or required—amounting to a flat contradiction of Mr Huskisson's representation at Liverpool. As Mr Huskisson is expected to give his explanation, we shall suspend observation, merely remarking that there must palpably be an almost unparalleled baseness somewhere, and that a load of disgrace is accumulated which, when it falls on the proper subject, will be sufficient to bend an archangel to the dust.

THE MYSTIFICATIONS.

THE Clown in an old pantomime inquires, "What are those illuminations for?" Harlequin replies, "To keep the people in the dark." The Parliamentary explanations have had precisely this effect. Just so much has been stated as to indicate how much more has been withheld. Ask an Irishman to direct you to a particular place, and he points to an object,—"Does your honour see that white house?" "Yes, my friend." *Pat:* "Well that's not it; but may be your honour sees that red mill?" "Yes." *Pat:* "And sure that's not it." And so on. This is the exact parallel of our Explanations. The inquiry is, what cause broke up the late Cabinet? and we are shown Messrs Huskisson and Herries squabbling about the Finance Committee—and *that's not it.* Then Lord Goderich's deficiency of firmness—and *that's not it;* and so on to the end of this most satisfactory chapter.

The affair appears to have been managed on that beautiful plan adopted by lawyers in cases of disputed titles, and thus described by Foote:—"The "object of litigation is a small parcel of land (a "Finance Committee, as it were) which is to de-"cide the fate of a borough (the Cabinet). To

" bring matters to a short issue, it was agreed that " Nobson should on the premises cut down a tree " (a Lord Althorp) and Hobson bring his action " of damage. To be regular, *no notice must be* " *taken of the borough and lands, the real objects* " *in view*, but we must stick fast to the tree " which is of no importance at all."

This rule has been admirably observed by the Hobsons and Nobsons of the Cabinet; they stuck fast to the tree which was of no importance at all, and like Foote's Advocates in the farce,* turned the whole cause upon the question whether it was a damascene or a bull-plum.

Mr Herries now pretends to laugh at the idea of a dispute so trifling in its nature having subverted the Cabinet. We do not see the absurdity: in a quarrel about a straw, two parties may as effectually try their strength, as in one for a kingdom. It may be classed among those things described by Tacitus as " primo aspectu levia, ex quibus magnarum sæpe rerum motus oriuntur." That the Government was in a very weakly state is sufficiently clear, and on so poor and irritable a habit the slightest sore was likely to be fatal. Mr Herries, observing this to be its condition, established what the slang whips call " a raw;" gave it a little mortal wound, though it was with a bare bodkin. He now however dwells only on the insignificance of

* The Lame Lover.

the instrument, sneeringly asks whether that could kill a Ministry, and accuses the head of having cut its own throat! This is indignantly denied by the party. He then declares that he knows a great deal, plays Titus Oates, and claims acquaintance with a terrible plot, but prudently avows his determination of telling nothing.

It were idle to discuss these assertions and insinuations. Mr Herries in his explanations has only succeeded admirably in explaining his own character: that, at least, is now perfectly understood. On Thursday his plight was almost pitiable; the fairest hands in the House flung discredit on him, and dashed denials and contradictions in his teeth. He reeked with aspersion. Not a creature vouchsafed a syllable in his defence!

Let us pass to a cleaner subject.

We see no sufficient reason to refuse belief to Mr Huskisson's statement, so far as it goes. We accordingly assent to his assertion, that by a guarantee he did not mean a bond;* and we will suppose that he judged the presence of Lord Dudley and Mr Grant in the Cabinet sufficient pledges for its principles. This is a new method

* Mr Huskisson was reported to have said in a public speech at Liverpool, that he had joined the Duke of Wellington's Ministry upon a guarantee of the principles which he had held. It appeared, however, in his explanation, that the guarantee upon which he relied was merely the continuance of two or three individuals, who had supported his measures in their former offices.

of political joint-stock assurance. The act of any one man is thus made the sanction of the acts of any given number. "What are you doing, Tom?" "Nothing, sir:" "And what are you doing, Dick?" "Helping Tom, sir"—has been improved on. "What is your guarantee, Huskisson?" "Dudley, sir:" "And what is your guarantee, Dudley?" "Huskisson, sir."

This scheme of mutual vouching is of excellent convenience, but the arguments for faith, when hazarded, must be varied according to the character of the person. For example, Mr Huskisson at Liverpool said—

"If any man be so uncharitable as to doubt my "sincerity and consistency, and to suppose that I, "for the sake of office, would have sacrificed my "personal honour and character, I ask that man, "can he think that a nobleman of such high "honour and character as Lord Dudley, who has "accepted office as I have, would, for the sake of "emolument, have forfeited his character and con-"sistency?"

Now Lord Dudley must use this argument "with a difference." He cannot merely substitute his friend's name for his own, he must vary the terms; for he is supposed to have been influenced by a much fairer object than emolument.

The hitch is simply this, that no one ever suspected the two men of being acted upon by the same motives. If a pike and a hawk were tried for their common rapacity, the fish would hardly

excuse himself by alleging that his fellow-prisoner the hawk soared far above the temptation of gudgeons. Each might be criminal in the same way, under the influence of different tastes.

When reminded by Mr Duncombe (a straight hitter) of a reported declaration, that he would never act with the destroyers of Mr Canning, Mr Huskisson said that, on his return to England in August, he had only stated that the wounds were *then* too fresh and green for such a coalition. He now acts with the scab without any discomfort.

It is melancholy to dwell on these things—hollow-sounding professions uttered for applause, followed by conduct accommodated to profit: to profit, whether public or merely private, remains yet to be seen, for Mr Huskisson protests that there has been no surrender of principle, and while there is room for a doubt, we will give him the benefit of it. Is is not notorious, however, that the Premier avows his abhorrence of the doctrine of Free Trade? and is he not wise in his generation for entertaining this antipathy; for all good principles are cognate, and to demonstrate the benefit of freedom of trade is to suggest the wisdom of other freedoms consistently detested by the lovers of tyranny.

But Mr Huskisson naturally argues that the Duke, in inviting him to join his Government, virtually acknowledges that advantage is to be derived from those principles with which his name is identified; and here the question arises whether

the Duke is a sudden convert to the doctrines of the man, or whether he aims at the destruction of their expounder's character. The vanity common to humanity may incline Mr Huskisson to the former opinion; but the boasts of the Tories themselves would imply that the latter is the true category. Nor are such tricks,—rendering favour the instrument of disarming and discrediting formidable antagonists,—without worshipful example, as may be seen from the following curious document, a letter from Sir Robert Walpole to George the Second:—

"MOST SACRED,—The violence of the fit of the "stone, which has tormented me for some days, is "now so far abated, that although it will not per- "mit me to have the honour to wait on your "Majesty, yet is kind enough to enable me so far "to obey your orders as to write my sentiments "concerning that troublesome man Mr Pulteney, "and to point out (what I conceive to be) the "most effectual method to make him perfectly quiet. "Your Majesty well knows how, by the dint of "his eloquence, he has so captivated the mob and "obtained an unbounded popularity, that the most "manifest wrong appears to be right when adopted "and urged by him. Hence it is that he has be- "come not only troublesome, but dangerous. The "inconsiderate multitude think he has not one "object but the public good in view, although, if "they would reflect a little, they would soon per-

" ceive that spleen against those your Majesty has " honoured with your confidence, has greater " weight with him than patriotism. Since, let " any measure be proposed, however salutary, if he " thinks it comes from me, it is sufficient for him " to oppose it. Thus, Sir, you see the affairs of " the most momentous concern are subject to the " caprice of that popular man, and he has nothing " to do but to call it a ministerial project, and " bellow out the word *Favourite*, to have a hundred " pens drawn against it, and a thousand mouths to " contradict it. Under these circumstances, he " bears up against the Ministry, and let me add, " against your Majesty itself, and every useful " scheme must be either abandoned, or if it is " carried in either house, the public are made to " believe it is done by a corrupted majority. " Since then things are thus circumstanced, it is " become necessary for the public tranquillity that " he should be made quiet, and the only way to do " that effectually is to destroy his popularity, and " ruin the good belief the people have in him.

" In order to do this, he must be invited to " Court; your Majesty must condescend to speak " to him in the most favourable and distinguished " manner; you must make him believe that he is " the only person upon whose opinion you can " rely, and to whom your people look up for useful " measures. As he has already several times " refused to take the lead in the Administration,

" unless it was totally modelled to his fancy, your " Majesty should close in with his advice, and give " him leave to arrange the Administration as he " pleases, and put whom he chooses into office " (there can be no danger in that, as you can dis- " miss him when you think fit), and when he has " got thus far (to which his extreme self-love and " the high opinion he entertains of his own impor- " tance will easily conduce) it will be necessary " that your Majesty should seem to have a great " regard for his health; signifying to him that " your affairs will be ruined if he should die; that " you want to have him constantly near you, to " have his sage advice; and that therefore, as he is " much disordered in body and something infirm, " it will be necessary for his preservation for him " to quit the House of Commons, where malevolent " tempers will be continually fretting him, and " where indeed his presence will be needless, as no " step will be taken but according to his advice, " and that he will let you give him a distinguished " mark of your approbation by creating him a " Peer. This he may be brought to; for if I " know anything of mankind, he has a love of " honour and money; and notwithstanding his " great haughtiness and seeming contempt of " honour, he may be won if it be done with dex- " terity. For, as the poet Fenton says—

' Flattery is an oil which softens the thoughtless fool.'

" If your Majesty can once bring him to accept

" a coronet, all will be over with him; the changing " multitude will cease to have any confidence in " him, and when you see that, your Majesty may " turn your back upon him, dismiss him from his " post, turn out his middling partizans, and restore " things to quiet: for then, if he complains, it will " be of no avail; the bee will have lost its sting, " and become an idle drone whose buzzing nobody " heeds.

" Your Majesty will pardon me for the freedom " with which I have given my sentiments and " advice, which I should not have done had not " your Majesty commanded it, and had I not been " certain that your peace is much disturbed by the " contrivance of that turbulent man. I shall only " add, that I shall dispose several whom I know to " wish him well, to solicit for his establishment in " power, that you may seem to yield to their en- " treaties, and the finesse be less liable to be dis- " covered.

" I hope to have the honour to attend your " Majesty in a few days, which I will do privately, " that my public presence may give him no um- " brage.

" (Signed) ROBERT WALPOLE.

" Dated 24th Jan. 1741."

Such was the Walpole method of depriving bees of their sting, and making useful beings idly-buzzing drones: we shall soon see whether Wellington has acted on this recipe.

THE WELLINGTON MINISTRY.

FORMATION OF THE GOVERNMENT.

THE passing events cannot but prove prejudicial to the two Great Houses—we do not mean the two Houses of Parliament, but

. . . . . "the sisters twain
"Of Covent Garden and of Drury Lane."

for who will go to see the Pantomimes after having witnessed a performance of such superior extravagance on the stage of Public Affairs? What changes are there in *Cock Robin*, or *Number Nip*, comparable with the changes in the Cabinet? Who will at his own cost pay seven shillings to see the Clown knock his head against the wall, when at the expense of the nation he can see Wellington act the part of a Prime Minister? What grotesque metamorphosis is there at either theatre equal to that of Goulburn into Chancellor of the Exchequer? What backsliding to be likened to Lord Bathurst's return to office as Secretary for the Home Department? And what caricature representation of a Fop so egregiously laughable as Lord Ellenborough, the Privy Seal?

Then what is there in Pantomime so surprising

as Mr Huskisson in his place—what reel in a bottle so odd, what *trick* is there at either House half so inexplicable as this? With regard to the Nation too—who will go to Drury Lane to see the house turned out of window—cleverly as it is done there—when he knows that he will shortly be treated with the grander spectacle of Mr Bull's mansion turned out of window? This event is not far distant, we may be assured, when "the Greatest Captain of his Age" is transformed into the least Minister that has ever been seen since the fall of man. We can hardly say *transformed*, however; for the Duke is a dual character, something short of Mrs Malaprop's Cerberus—*two* gentlemen at once, Commander-in-Chief of his Majesty's Forces, and Prime Minister of England. Oh auspicious conjunction! In order to complete the incomprehensible union, we should propose that the Duke also take upon himself the office, as he is doubtless ready and anxious to do, of Archbishop of Canterbury. With the mitre on his head, the lawn sleeves on his arms, the sword of violence in one hand, and the seals of office conferring civil dominion in the other, he will make a sufficiently grotesque figure in our grand Pantomime. Perhaps now that there is no vacancy, his Grace would have the grace to say that he should be mad or worse to desire to be Archbishop of Canterbury; but in less than a twelvemonth he would see reason to change his mind and take it, provided only he could get it. It was said of some exigent

man, that if the King gave him England and Scotland for his farm, he would ask for Ireland as a potatoe garden. The Duke is of the same Graspall family. However, there is a serious obstacle in the way of his becoming Archbishop of Canterbury; it is not that he is no priest,—for he is Premier without being a Statesman,—but that a lady whom the King delights to honour insists on having the manufactory of the Bishops in her own hands, the province of godliness coming immediately under her department. We are sorry that there is this difficulty opposed to the Duke's occupation of the See, because it is always desirable that things should be complete in their particular style; but while he was about the affair, why in the name of wonder did he not appoint himself to some or all of the other offices?* One scandal is better than many, and all would have agreed that he was as fit to be Chancellor of the Exchequer as Goulburn; as fit for the Home Department as Bathurst; and, in a word, he might have appeared, by the particular desire of his Majesty, on the political stage as a kind of Mathews in a very brilliant monopolylogue. However, we must take our entertainments as we can get them, and thank the King for giving us something to laugh at, in consideration of the vast price we pay for the performances. Being reluc-

* This his Grace pretty nearly did in November 1834.

tant to abandon the favourable opinion we have lately formed of his Majesty's judgment, we are strongly disposed to consider the present pranks as merely a piece of *mauvaise plaisanterie*, intended for the laughable exhibition of human infirmity in the conjunction of extraordinary conceit and extraordinary imbecility; but there are others who view the burlesque as a real tragedy, and who trace its causes not to the King's desire to treat Don Miguel* with such a pantomime as neither prince nor peasant ever saw or imagined before, but to a certain Apothecary's equally extreme and natural hostility to liberality in every form and degree. According to this last version, we are under the rule not of the Crown and Sceptre, but of the Pestle and Mortar, and all sorts of abominable *mixtures* are consequently thrust down our throats.

Since we wrote the above observations respecting the Duke of Wellington's expected assumption of the Episcopal character, the following paragraph has appeared in the *Herald*:—

"Some alarm was excited in the Palace of the "Archbishop of Canterbury, at Lambeth, on Tues-"day morning, about one o'clock, by the arrival of "a dispatch from the Duke of Wellington, with "the word 'Immediate' superscribed on the en-

* Then in England, on his way to Portugal.

" velope. In consequence of this intimation, his " Grace was awakened; the Archbishop immedia- " tely arose, and read the dispatch The rumours " on this unusual arrival were various; but nothing " has transpired from which any conjecture can be " drawn as to the purport of the communication."

It is confidently rumoured that the purport of the communication was this: His Grace of Wellington notified in the most friendly terms to his Grace of Canterbury that the interests of the empire imperatively required that he, the Duke, should put himself at the head of the Protestant Church, and that it was therefore desired that his Grace of Canterbury should forthwith vacate his See to allow of the necessary arrangements—his Grace of Canterbury taking in exchange the cannonical office of Master-General of the Ordnance. Anticipating a possible but frivolous objection, the Duke explained that though he was not in Holy Orders, he would put his appointment in General Orders, which was nearly the same thing, orders being orders all the world over, and the distinction one merely of quality and not of a substantive character. The Duke ended, it is reported, by declaring that the Archbishop's exchange and his own consequent promotion *vice* Sutton should be gazetted next Tuesday, and read at the head of every regiment in his Majesty's service. The Archbishop, we hear, is resigned to the necessity,

for there is no disputing the will of a man at the head of the Army and the head of the State, and comforts himself, on the score of pride, by dwelling on the precedent of Mr Herries's descent from the Exchequer to the Mint; and on the score of fitness for his new office, by Mr Goulburn's appointment to the Finance Department.

When this arrangement is completed, we understand that it is the intention of his Grace of Wellington to have some serious conversation with Lord Lyndhurst. There seems no reason why a Lawyer should be Chancellor. The delays of the Court have been a long complaint; and the Duke observes that the rapidity of his motions and the decision of his character cannot be questioned even by his enemies and detractors. In case of the event at which we are glancing, the Duke will be his own Vice, and Mr Shadwell will be appointed to the command of a frigate.

THE WELLINGTON FAITH.

[The greater number of leading Liberals soon became as well pleased with the Duke of Wellington as chief as they had been with Mr Canning; they ceased to harp upon his declaration that he should be mad were he to think of taking the office he held, and discovered in him dispositions and abilities equally excellent. Mr Brougham indeed accepted the character of the Duke as a pledge for improved government, and gave this opinion in the debate on Mr Huskisson's removal from the government, in consequence of his vote for transferring the franchise of East Retford to Birmingham. At a subsequent period Sir Francis Burdett made the discovery that the Duke as a soldier was peculiarly well fitted for the government of the country. There was for a time a Wellington worship more inexplicable than the Canning idolatry.]

"The fox was Viceroy nam'd, the crowd
To the new Regent humbly bow'd.
The crowd admire his wit, his sense:
Each word hath weight and consequence."—Gay.

Tertius è cælo cecidit Cato! Another prodigy! A Wellington succeeds a Canning in place, and in

divine honours. Henceforth let no one say, that of every block we cannot fashion a Mercury—it is the Temple that makes the God; the niche confers the heavenly attributes on the idol. Somewhere they worship a blue ape, and somewhere they incense another variety of the the simial species.

It is an old theological principle, that faith is a matter entirely independent of reason, and that the merit of a belief is, indeed, in inverse proportion to the rational grounds for it. This doctrine has now obviously obtained in politics, and we may remark, that the declared faith of certain Honourable Members in the Duke of Wellington has the blessed excellence of wanting any kind of earthly foundation. For the basis of the new belief we should search in vain for any ordinary species of evidence, and it solely rests on that ancient miracle of mighty power for conversion, the distribution of the loaves and fishes.

What one of the subtlest philosophers, Bayle, says of religious faith may, by a paraphrase, be rendered strictly applicable to the Wellington Faith.—

"The merit of faith is enlarged, in proportion "as revealed truth, which is the object of it, exceeds "all the powers of our understanding; for the "more the incomprehensibility of this object in- "creases, by the numerous maxims of natural light "which oppose it, the more we must sacrifice to "God's authority a stronger repugnance of reason, "and consequently we shew ourselves more obe- "dient to God, and give him a greater proof of our

" respect than if the thing were moderately dif-
" ficult to believe. Whence was it that the father
" of the faithful had so eminent and illustrious a
" faith? Was it not because 'he believed in hope
" against hope?' There had been no great merit
" in hoping upon the promise of God for a thing
" naturally very probable; the merit therefore con-
" sisted in this, that the hope grounded on this
" promise was contrary to all appearances. Let us
" say likewise, that the most precious faith is that
" which, upon the Divine testimony, embraces such
" truths as are most repugnant to reason."

Now let us observe how easily the fashionable politics of the day square with theology:—

" The merit of the Wellington faith is enlarged
" in proportion as it exceeds all the powers of our
" understanding: for the more the incomprehensi-
" bility of his virtue increases, by the numerous
" arguments of experience which oppose it, the
" more we must sacrifice to Wellington's authority
" a stronger repugnance of reason, and conse-
" quently we shew ourselves more obedient to
" Wellington, and give him a greater proof of our
" respect than if the thing were moderately difficult
" to believe. Whence was it that Sir Francis
" Burdett had so eminent and illustrious a faith?
" Was it not because 'he believed in hope against
" hope?' There had been no great merit in hoping
" upon the promise of Wellington for a thing very
" just; the merit therefore consisted in this, that

" the hope grounded on his words was contrary to " all appearances. Let us say likewise that the " most precious ministerial faith is that which, upon " no testimony, and in defiance of experience, " embraces such positions as are most repugnant to " reason."

Mr Brougham's faith in Wellington is even more admirable than Sir Francis Burdett's, because he avows it while he declares that it is now more necessary than ever to watch the Ministry; an apparent contradiction, but real sign of grace, which reminds us of the blessed case of the Mareschal d'Hocquincourt,* who, having confided to his confessor his readiness to suffer martyrdom for his belief, added, " Not that I see more reason in it now, but, on the " contrary, less than ever; but, for all that, I could " suffer myself to be crucified, without knowing why " or wherefore." " So much the better, my Lord," replied the father, " so much the better, these are " not human motions; they proceed from God. " ' No reason!' that is the true religion. ' No " reason!' What an extraordinary grace, my Lord, " has heaven bestowed upon you. ' No reason!' " ' without knowing why or wherefore!' oh, excel- " lent words! they ought to be written in letters " of gold. In truth, this is divine for them that " hath taste of heavenly things."

* St Evremond's " Conversation between the Mareschal d'Hocquincourt and Father Canaye," quoted by Bayle.

It is plain that a similar grace has been bestowed on Mr Brougham, who confesses, together with the occasion for more watchfulness, the repose of faith in the Minister. He may however quote the words of a learned writer, and allege that "Reason does "not go so far as that conclusion, but we are car- "ried thither by faith; a faith that is so much the "stronger, as it is not supported by natural reason. "Reason grows weak where faith grows strong; "reason is overcome that faith may be more meri- "torious: however, do not think that reason envies "the superiority of faith; on the contrary, it volun- "tarily and humbly submits to it. It will resume its "light in heaven, where faith will not be, and then "reason will reap what faith sows in the present "life; and it is just it should reap the fruits of faith, "since at present it debases itself that faith may "reign in its full power." This is all very good in divinity, no doubt, but in politics the fruits of the Wellington faith may be reaped before men go to heaven. Reason may reap in the Ministry what Faith has sown in the opposition.

It may be objected that it is unusual to bring Theology to bear on Politics, and we admit that it is so; but if our Prime Ministers regularly in succession become gods, we must seek for divine applications to divine natures. As Premiers have become deities, politics have necessarily become a theology, and particular politicians are to be examined according to new rules, and judged not as

statesmen but as man-worshipping religionists. Their opinions are no longer to be considered as matters of reason, but as affairs of faith; and the more opposed to reason they are, the more excellent in their peculiar quality we must esteem them, by the analogy we have shown. Creeds, not speeches, should be the fashion now in Parliament; and an "I believe in Wellington" will most effectually obviate all inquiry or objection.

There is yet, however, a large body of public men untainted and untouched by this vile infatuation of man-worship. If Broughams and Burdetts, from some unaccountable whimsey or weakness, give into the folly, Stanleys, Morpeths, Althorps, Tavistocks, and Normanbys, will resist it. There is an independent party in the House which will not lay their understandings at the feet of a Minister. There are men who will not, like Eastern slaves, indulge in raptures at the relaxation of their master's frown, and exaggerate it into the smile auspicious to a nation's hopes. This peering into equivocal expressions, and fond dwelling on them, is abject and unworthy to the last degree. Divination were sensible compared with the word-catching speculations to which we allude. When the Duke comes over to liberality, it will be time enough to hail and glorify him; in the meanwhile, it is the part of a craven to fancy with delight the blanching cheeks and faltering resolution of the enemy.

THE TIDE OF OPINION.

[Upon the grant of a large pension to the family of Mr Canning* in 1828, in the Wellington Ministry, the character of Mr Canning was again brought under discussion, and some new light seemed to be thrown upon it by the improved policy of the Tory Government, which indicated

* Upon this occasion Lord Althorp said, "While our farmers were in great distress, and our manufactures were complaining throughout the kingdom, while everything appeared to be verging towards general distress, he could not but consider the proposition as almost an insult to the country. Was the House called on to impose fresh taxes on the people to pay this annuity? Were not our finances so low, that it was even now difficult to keep up the service of the country? And the question really was, which of them must be left inefficient. The Right Hon. Gentleman had flung the case on the generosity of the House. He (Lord A.) had witnessed enough of the effects of this sort of generosity, and really expected more from the Ministry than to have sanctioned such an application. He should have opposed the grant, however transcendant the merit of the person in right of whom the presumed claim to public gratitude was set up; but it should be recollected the whole of the late Mr Canning's life had not been uniformly the subject of eulogy: there were parts of his career, particularly in its earlier stage, which gave him (Lord A.) little pleasure to reflect upon."

that much was referable to the tide of opinion that had been attributed to the impulses of Canning's mind.]

Had we been Pagans, we should have made Canning the God of Liberty and of Rotten Representation. Being fortunately Christians, we have just been considering whether we should grant one of his children three thousand pounds a-year. And this question has allowed of much debate, of much doubt; and has been disputed by a large minority, containing some excellent and well-judging, as well as some factious and splenetic individuals.

There are circumstances of the present moment which are unfavourable to the continuance of the Canning delusion, and which naturally lead to the most trying examination of that Statesman's claims. He had the great advantage of following Lord Londonderry in the Foreign Department, but his character for extraordinary liberality is likely to suffer in turn by his having been succeeded in the Premiership, after so short an interval, by the Duke of Wellington. For can it fail to be perceived how slight is the difference between the Canning and the Wellington Governments—how almost questionable the balance of benefit? Had Canning lived, he was spontaneously pledged to hostility to the repeal of the Test Acts. The Duke in this respect has the advantage. As a

set-off, Canning was an advocate of the Catholic Claims, and he would have given us a more specious Corn Law, something as bad in effect, but more deceptive in appearance. We are not yet prepared to aver, that Canning was not on the whole more liberal than Wellington, but we do maintain that the difference, so far as our observation extends, is so slight, as to detract materially from the praise of pre-eminent patriotism accorded to the late Minister. He felt that the spirit of the times could not be set at defiance—that concessions must be made—he waived to opinion;—the Duke does so also. The moral atmosphere modifies the harshest materials—the very iron expands under the genial beams of enlightenment. Mr Canning's intellectual structure may have allowed of his absorbing a greater proportion of these rays, but the other is subject to them also, and the question between the two seems to be one merely of fine degrees. Had the Duke of Wellington been Minister in Canning's time, Wellington would have been the miracle which his predecessor was argued; he would have been the radical in disguise, who, like the Beef-eater in the *Critic*, casts off his cloak, and discovers a fine vest in the last act of life; and he would have drawn down upon him, in full perfection, the virulent odium of the High Tories, which he is even now honourably incurring in a subdued form. The Duke, as was the case with the rhetorician, is what he is, not because any change

has taken place in his prejudices or predilections, but because he is where he is. Placed at the helm, he must consult the tide and wind. Were we to take the most violent zealots and partizans from the High-Tory ranks, and ballast them with the responsibility of office (slender, almost to shadow, as that responsibility is) they would become altered men. With the charge would come the sense of the prevailing force, and the concessions, not of choice, but of necessity. Lord ——, tyranny in its dotage, sans eyes, sans ears, should alone perhaps be reserved as an exception from this hypothesis. Such a man might certainly, in sheer imbecility and wilfulness, drive the state vessel among the breakers; but his time, the night of the evil spirit's power, is past. He has acted his part, done his mischief; and will, in the course of nature, soon be numbered with the Jeffreys and the Scroggs, the infamous dead. In according the Worthy referred to, an association with these fragrant names, we may appear to be giving him a classification to which his actions do not entitle him; but if we detract from the praise of Canning, by referring his late merits to the necessities of the improved times, surely we may raise the other character to the rank we have assigned it, by considering what he has done, and what he has attempted, in spite and defiance of the better spirit of the age. It were unfair and unphilosophical to try him by the abstract comparison of his actions

with those of Jeffreys, and then to pronounce him wanting. The times must be taken into the account, and with that allowance "the will for the deed," must be the reflection. To have lost no opportunity of mischief, is a sufficient description of man or devil. The modes and occasions vary of course with circumstances: in a past age one might have taken a liberty with an obnoxious throat, who can now only strangle an improvement. But, as if by an economical dispensation of Satan himself, what is lost in the intensity of the vice is compensated by the diffusion of injury. Had Jeffreys lived in our times, he could not have achieved a single judicial murder; but in lieu of it he might have been the instrument of denying tranquillity and prosperity to thousands of people. He might have fanned the dying embers of strife, retarded the improvement of nations, maintained all antiquated vexations and abuses at their highest pitch; and the aggregate of evil and pain thus caused to the whole frame of society would greatly exceed even the mortal agonies of a few innocent sufferers.

SOME ACCOUNT OF THE DUKE OF WELLINGTON.

[The following paper was written in ridicule of some very circumstantial and absurd accounts of the Duke of Wellington's habits, which appeared in the newspapers upon his Grace's accession to power in 1828.]

THE Duke of Wellington generally rises at about eight. Before he gets out of bed, he commonly pulls off his nightcap, and while he is dressing he sometimes whistles a tune, and occasionally damns his valet. The Duke of Wellington uses warm water in shaving, and lays on a greater quantity of lather than ordinary men. While shaving he chiefly breathes through his nose, with a view, as is conceived, of keeping the suds out of his mouth; and sometimes he blows out one cheek, sometimes the other, to present a better surface to the razor. When he is dressed he goes down to breakfast, and while descending the stairs he commonly takes occasion to blow his nose, which he does rather rapidly, following it up with three hasty wipes of his handkerchief, which he instantly afterwards

deposits in his right-hand coat pocket. The Duke of Wellington's pockets are in the skirts of his coat, and the holes perpendicular. He wears false horizontal flaps, which have given the world an erroneous opinion of their position. The Duke of Wellington drinks tea for breakfast, which he sweetens with white sugar, and corrects with cream. He commonly stirs the fluid two or three times with a spoon before he raises it to his lips. The Duke of Wellington eats toast and butter, cold ham, tongue, fowls, beef, or eggs, and sometimes both meat and eggs; the eggs are generally those of the common domestic fowl. During breakfast the Duke of Wellington has a newspaper either in his hand, or else on the table, or in his lap. The Duke of Wellington's favourite paper is the *Examiner*. After breakfast the Duke of Wellington stretches himself out and yawns. He then pokes the fire and whistles. If there is no fire, he goes to the window and looks out. At about ten o'clock the General Post letters arrive. The Duke of Wellington seldom or never inspects the superscription, but at once breaks the seal and applies himself to the contents. The Duke of Wellington appears sometimes displeased with his correspondents, and says *pshaw*, in a clear, loud voice. About this time the Duke Wellington retires for a few minutes, during which it is impossible to account for his motions with the desirable precision. At eleven o'clock, if the weather is fine, the Duke's

horse is brought to the door. The Duke's horse on these occasions is always saddled and bridled. The Duke's horse is ordinarily the same white horse he rode at Waterloo, and which was eaten by the hounds at Strathfieldsaye. His hair is of a chesnut colour. Before the Duke goes out, he has his hat and gloves brought him by a servant. The Duke of Wellington always puts the hat on his head and the gloves on his hands. The Duke's daily manner of mounting his horse is the same that it was on the morning of the glorious battle of Waterloo. His Grace first takes the rein in his left hand, which he lays on the horse's mane; he then puts his left foot in the stirrup, and with a spring brings his body up, and his right leg over the body of the animal by the way of the tail, and thus places himself in the saddle; he then drops his right foot into the stirrup, puts his horse to a walk, and seldom falls off, being an admirable equestrian. When acquaintances and friends salute the Duke in the streets, such is his affability that he either bows, touches his hat, or recognises their civility in some way or other. The Duke of Wellington very commonly says, "How are you" —"It's a fine day"—"How d'ye do"—and makes frequent and various remarks on the weather, and the dust or the mud, as it may be. At twelve o'clock on Mondays, Wednesdays, and Fridays, the Duke's Master comes to teach him his Political Economy. The Duke makes wonderful pro-

gress in his studies, and his instructor is used pleasantly to observe, that "the Duke gets on like a house on fire." At the Treasury the Duke of Wellington does nothing but think. He sits on a leathern library chair, with his heels and a good part of his legs on the table. When thus in profound thought, he very frequently closes his eyes for hours together, and makes an extraordinary and rather appaling noise through his nose. Such is the Duke of Wellington's devotion to business, that he eats no luncheon. In the House of Lords the Duke's manner of proceeding is this—he walks up to the fire-place, turns his back to it, separates the skirts of his coat, tossing them over the dexter and sinister arms, thrusts his hands in his breeches' pockets, and so stands at ease. The characteristic of the Duke's oratory is a brevity the next thing to silence. As brevity is the soul of wit, it may confidently be affirmed that in this quality Lord North and Sheridan were fools compared with him.

THE WAY TO KEEP 'EM.

Mr Hume has moved a Resolution, that "the "ports should be open to corn at all times, and "that the duty should be 15*s.* for this year, de- "creasing 1*s.* for the next five years, until the

" duty reached 10*s.* a quarter, at which it would " remain fixed. He would also give a bounty on " the exportation of corn, when it should be cheap " here, equal to the duty levied on its importation."

This is as sensible a plan as could be proposed, including the principle of protection, which principle, as was observed by Mr Peel, is inconsistent with the reasoning with which Mr Hume prefaced his motion. Mr Hume doubtless aimed at making that compromise between the wilfulness of the Landowners and the interests of the nation, which has been pretended by Ministers. Mr Peel remarked, that " Mr Hume had overlooked all the " political considerations connected with the ques- " tion, which were wholly distinct from the ques- " tion of price. *It was the constitutional policy of* " *the country to maintain the Aristocracy and* " *Magistracy as essential parts of the community.*"

This is plain speaking. If however it be the constitutional policy of this country to maintain the Aristocracy and Magistracy, it is also the policy of this country to maintain them in the manner least onerous or detrimental to itself. The end being avowed and agreed on, the directest means will be the best, and it will be wiser to vote a yearly supply in pounds, shillings, and pence, for the maintenance of the Aristocracy and Magistracy of these realms, than to keep them by means of a tax on bread, which cramps the industry of the country. Let the Aristocracy and Magistracy

take their place in the estimates with the Army and Navy; let money be voted for so many Lords and so many Squires a year, and country houses be built, repaired, or fitted and found, like ships. No one surely will grudge a few millions for the support of the wooden heads of Old England! If it be declared that we must take our Masters into keeping, in God's name let us do it openly and directly, and maintain them according to their wants. Mr Goulburn, in this case, will come down to the House, and show that Squire Western is so reduced in his fortunes as to be unable to afford a pack of hounds; whereupon the Commons will vote him the dogs necessary to the Constitution, inasmuch as they are necessary to the Squire's credit. Or he will set forth, that Lord Squander cannot keep a mistress, as he greatly desires to do, and as his ancestors have done before him; whereupon Parliament will vote him the wherewith for a concubine. One man cannot drink claret, another is sunk below champagne; various are the dilapidations in the estate of the Aristocracy and Magistracy, and the country must repair them, according to the Ministers, but not, we say, by a tax on bread—substitute, in the place of it, the immediate process of a demand on the public purse. Let the wants of Lords and Squires be spread before us, hounds, horses, concubines, claret, champagne, &c., and the estimates to supply them shall be regularly discussed and voted, like those, as we have before

said, of the Army and Navy. The advantage of this mode over the present method of maintaining the Aristocracy or Magistracy, or, in other words, of keeping our Masters, is manifest. By way of illustration—George Barnwell perceived it to be necessary to his constitution to keep a mistress, but for lack of a direct supply from his old-fashioned uncle for so requisite and respectable an appurtenance, he robbed the shop, and ultimately cut his kinsman's throat, just as the man killed the goose to get the golden eggs, or as the squires kill this country to keep up the price of their corn. If Barnwell's uncle had been distinctly told by a neighbourly Mr Peel that it was absolutely necessary that his nephew should maintain Millwood, none of this mischief would have happened. The robbery would have been avoided; also the personal inconvenience of assassination to the sufferer. What was requisite for Millwood's "dresses and decorations," as the play-bills have it, would have been considered, and the damage would not have exceeded the occasion. The present method of keeping our Millwood is attended with this obvious mischief, that the cost of the maintenance of the hussy is more than proportioned to her wants. Our Constitution requires that squires and lords should be supported; but squires and lords need support in different degrees: some need it very little; some very much; and some again not at all. How stupid it is then to give to these various

claims and conditions one measure of supply! What a manifest offence against economy! As Lord Eldon would say, "God forbid" that we should dispute with Mr Peel the propriety, fitness, and constitutional policy of starving the people for the good of the Aristocracy and Magistracy; all that we contend is, that they should be pinched with discretion, and that a judicious manner of picking pockets should be substituted for the practice of taking the bread out of their mouths. In the name of heaven, feed them and fleece them. Bruce the traveller tells us of a people who, to appease their hunger, had a custom of cutting slices from the rumps of their beasts of burthen, and then driving them on again, as if nothing disagreeable to the brutes had happened. This is not perfectly tender treatment, but it is wiser in point of policy than preying on the beasts' fodder. We wish those gentlemen who are said to have stakes in the country would just be good enough to take their slices from its fat places, instead of interrupting the in-goings at the mouth of the beast. Better to bleed than to starve. We can trot on too after a good deal of crimping, but our constitutions suffer grievously from inanition.

We hope we have made our project so clear that it will be adopted by some intelligent member of the Legislature, and embodied in a new string of Resolutions for the consideration of the Commons. The principle is briefly this: to substitute a direct

tax on the nation,—which tax may be applied to the support of the Aristocracy and Magistracy, according to their occasions,—in lieu of an indirect tax extremely prejudicial to the nation, and which indirect tax is not and cannot be applied to the support of the Aristocracy and Magistracy according to their occasions, as the benefit, if benefit there is any,—which is yet at least doubtful,—is reaped by those who do not need it at all, as well as by those who need it much. In the Preamble of the Bill it must of course be set forth pretty nearly in the terms of Mr Peel, that, "Whereas "the maintenance of the Aristocracy and Magis- "tracy of this realm is necessary to its constitu- "tional policy," &c.: but of the particulars, more on a future day, as we design employing Mr Harrison to sketch a Bill to the desired effect in good technical terms, and of a proper unintelligibility.

STATESMEN AS THEY ARE,

AND STATESMEN AS THEY OUGHT TO BE.

In the *Edinburgh Review* (Article—"Correspondence of Burke and Lawrence,") a doctrine is broached which must not pass without observation. The passage runs thus:—

"It is possible that men, in their sympathy for "the fate of genius, as they phrase it, may lament "over the neglect of a man like Mr Burke, thus "feeling the ordinary inconvenience of straitened "circumstances. We do not allow of any feelings "of this *caste*, unless they be the very same which "the spectacle of imprudence and its result excites "towards other men. Genius, so far from having "any claim to favour, when it neglects the ordinary "precautions or exertions for securing indepen- "dence, is, in truth, doubly inexcusable, and far "less deserving of pity than of blame. Mr Burke "ought to have earned his income in an honest "calling. Every man of right feeling will prefer "this to the degrading obligations of private friend- "ship, or the precarious supplies, to virtue so "perilous, of public magnificence. It is certain "that he chose rather to eat the bitter bread of "both these bakings, than to taste the comely— "the sweet—the exquisite fruit, however hard to "pluck, of regular industry. He was a politi- "cian by trade; a professional Statesman.— "*There is no such craft recognised in this* "*State; all our institutions are ignorant of it*— "*all our habits averse to it; nor is there one* "*of a British Statesman's functions which may* "*not be conjoined with the cares of an indus-* "*trious life.*"

This last sentence contains the every essence of quackery. It may be sold with the stamp of the

Edinburgh Review on it, as "The Dunce's Cordial, or A Real Comfort to the Idle and Ignorant of both Houses of Parliament." The corollary is, that there is no political science; that the conduct of the affairs of a nation is a mere elegant pastime to a gentleman of a certain station in life, who has more profitable or personally agreeable pursuits for the occupation of his more valued hours. The idler, after having bent all the powers of his mighty mind to the reduction of a milliner's citadel of virtue, may apply with sufficient success the residue of the day to the toils of the Statesman in the House of Peers. The merchant, whose brain has been addled with the business of his counting-house, has merely to rise from his desk and to pass to St Stephen's, *au fait* of the most complicated questions that can be submitted to the consideration of the legislator. The lawyer has only to close his briefs, and to be at once ready for the budget. "*For there is not one of a British Statesman's functions which may not be conjoined with the cares of an industrious life.*" True—too true; that is, of a British Statesman's functions, who is commonly no Statesman at all. But we may modulate this theme through many pleasing keys. Old Fergusson was never present at a debate nor absent at a division, and passed the hours of *the great talk* over his bottle at Bellamy's. This worthy Member of the collective wisdom

doubtless would have repeated in the pride of his soul, "There is not one of a British Statesman's functions which may not be conjoined with the pleasures of a toper's life."

When we can do just as much as suits our convenience, duties are seldom onerous; and when they are utterly undefined, we may take credit for their exact performance, and marvel at their exceeding easiness—that is, if the simplicity and credulity of the world be at all proportioned to our impudent assurance.

We can easily imagine, however, that there really is much more simplicity than impudence, more delusion than imposture, in the notable doctrine above quoted. If a cobbler were dubbed an Esculapius, we can imagine Dr Last, who from a long course of drenching and bleeding, had contracted an opinion that the skill accompanied the practice, *naively* saying, "Such a one (Dr Baillie) was a "physician by trade, a professional person. There "is no such craft recognized in this country; all our "hospitals are ignorant of it—all our habits averse "to it; nor is there one of a British Physician's "functions which may not be conjoined with the "toils of a cobbler's life." *Ne sutor ultra crepidam* is indeed a proverb which will exclude the cobbler from physic; but it should receive a qualification from the oracle of the *Edinburgh Review*, and hold good with the single exception of public affairs, which it is argued may be *directed* by men of

all denominations of occupation. Gentlemen, indeed, of a certain order are all Heaven-born Statesmen. No devotion of time or labour is necessary for their qualification. Senators, they are *de facto* Statesmen. Had *Caleb Quotem*, the renowned Factotum, added M.P. to his various more useful callings, he would doubtless, after his painting, glazing, auctioneering, speechifying, almanacking, and essay-writing on hydrostatics, have found sufficient leisure for the wise direction of the affairs of the country. This is the faith of the Edinburgh Reviewer; it is not ours. We are believers in the advantage of the division of labour in every province of human intelligence or industry, and hold to the old opinion, that the "Jack of all Trades is master of none." The business of a Legislator we conceive to be a very arduous one; and if he applies the necessary thought and labour to it, we are of opinion that he will have little spare energy or time for other concerns. We see indeed how Legislators—Statesmen, as some of the fry would dub themselves—do find leisure for other active employments; how their days are given to their private pleasure or profit, their nights to the welfare of the country; how they go to the Senate instead of to a rout, please themselves with speech instead of gossip, and divide instead of supping:—these great sacrifices we behold; but unluckily we see, together with their labours, the fruits of their labours—we glance from the facility with which

they "conjoin the cares of an industrious life with the functions of a Statesman," to the Statute-book; and we come to the conclusion, that a marvellously small share of qualification must be accessory to that disgraceful result.

The proposition that the craft of a politician by trade, a professional statesman, is not recognized in this State, is partly true and partly false. We have an abundance of adventurous gentlemen who meddle in politics as a trade, but few indeed who are skilled in them as one. If we had the science together with the venal purpose, we should not complain; but our fine folks have, it would seem, no idea of the occasion for political science, or even of the existence of political science. Arguing from their own ignorance, they infer that there is no knowledge; admiring the ease with which they conjoin doing nothing for the public with doing much for themselves, they suppose that the functions of a Statesman are comprehended in their miserable barren practices of aying, noing, inveighing, and declaiming; and judging of what they ought to be from what they are, they exclaim with a ludicrous and impudent self-complacency, like the dung in the fable, "'How fine we apples "swim!'—How easily we Statesmen conjoin our "functions with the cares of our industrious lives "How gloriously we are at once both Quotems "and Chathams!" It is true that the dung in the fable swam smoothly down the stream, and its

mistake was only in imagining that it swam with the sweet and pleasant properties of an apple. It is true that the Factotums combine very easily the transaction of the public business and their own; and their error consists only in their conceiving themselves Statesmen in the just sense of the word. If they are Statesmen, dung may be fruit, and the Augean stable an orchard.

A few years ago the doctrine of the *Edinburgh Review*, so agreeable to the Political Dunces, might have passed current and unrebuked; but it is an audacious and mischievous attempt thus to bolster up the conceit of ignorance at the present moment, when the intelligence of the country is beginning to raise the qualifications of public men, and to require of them the results of study and thought incompatible with variously divided attention and multifarious pursuits. If the wiser portion of the world would acquiesce in the proposition that this great man and that great man were Statesmen, it might agree in the conclusion that the requisites for a Statesman were few and insignificant indeed; that it was the only business which needed no apprenticeship, no study, no training; that it was enough to belong to Brooks's or White's and to make showy speeches in Parliament. But we have latterly conceived an idea of the greater utility of men of another stamp—of men who, having devoted their best days, their best hours, and their best thoughts to the complex economy of a nation,

will offer us in the result of their labours a fruit proportioned in excellence to the care bestowed on its cultivation. We do not believe that political science is a thing of spontaneous or careless production, which shoots up in the mind of a man of wealth very shortly after dinner, and disappears again, like a vision of night, by the hour of business on the next day.

REFORM IN PARLIAMENT.

THE state of public feeling is, at this instant, favourable to the consideration of Parliamentary Reform, and it is desirable that *agitation* and *organization*, which have been working such wonders for Ireland, should be made assistant to this great object for the Empire. We may say, without fear of contradiction, that the systematic corruption of Parliament, and its effects, are better understood now by the people than at any former period; and yet, on the part of the popular champions, the demand for the remedy has been abating as the sense of the evil has been growing, and within the two last years the question, as it is called, has altogether slumbered. In Mr Canning's time it was probably re-

nounced by our Patriots in compliment to his boasted aversion to reform; but since the great Statesman and great self-pledged obstacle to improvement has been removed, there surely is every reason why the old advocates of reform, who so perseveringly pressed it on attention when the temper of the times was little auspicious to its consideration, should bestir themselves with more than pristine vigour, now that all circumstances appear to favour its reception.

The aspect of affairs abroad is such as should induce a prudent Government to make concessions which may strengthen the confidence of the nation. The Parliamentary Janissaries are, we suspect, found of more plague than profit to the Vizier, and might be sacrificed almost as much to the relief of the Minister himself, as to the advantage of the country they pillage.

To people who have sagacity enough to see that what is described as the Constitution has no existence, and could have no existence, the difficulty in the way of Parliamentary Reform is the House of Lords. We have seen that the small degree of popular influence in the Lower House has been sufficient to place it repeatedly, within a few sessions, in something very much like an attitude of hostility to the Upper; and in the event of an increase of the popular representation, the schism between the two Legislative powers would gape more widely, or that beautiful Constitutional

balance would be produced, which we see exhibited in the familiar case of two wilful pointers coupled up together and pulling in contrary directions snapping and snarling for ascendancy. A hereditary Chamber of Legislation is altogether a sin against policy, as it is an irresponsible power, independent both of the King and of the People, and thus peculiarly solicited to pursue its own imagined interests with a reckless indifference to the common good. Such is the tendency of the institution, according to all the laws of human nature; and we have almost as abundant examples of the effect as of the phenomenon that trees grow upwards, spreading themselves out to the enjoyment of air and sun. Have we not heard even a Lord Grey professing his resolution to take his stand with his Order, and thus recognizing the distinctness of its political being, and the separation of its interests from those of the rest of the community? A reformed House of Commons, representing the people, would necessarily be at perpetual issue with this assembly, representing only their own estates, and solicitous for the continuance of abuses as profitable to their body as injurious to the community. This consequence was foreseen by Mr Canning, and will be foreseen by all other persons who know that the Constitution, as described, is a mere delusion—a theory not only having no relation to any system existing in practice, but a theory incapable of reduction to practice. If the Commons be rendered

truly representative of the people, the Lords will either be offering a perpetual resistance to them, or sunk into utter insignificance as a Legislative power, by the public odium and contempt. To the new tribunal of public opinion the Peers are alone responsible; and if a Reform takes place, this force, in aid of the Lower House, may overawe them; but in that case we shall not have the matchless Constitution, so much boasted of; but instead of Commons the nominees of the Lords, we shall have in the House of Lords the forced echo of the Commons. Either the Aristocracy or the Democracy must be the dictating power. The Hereditary and Representative Chambers can never be independent of each other, and co-efficient. At present the Aristocracy have the command of both Houses; the time may come when the Lords will, after a struggle, succumb to the Commons.

LEGAL FICTIONS.

THE forms of our law are of so happy a nature, that when they are employed on the gravest crimes, they cause a feeling of the ludicrous to spring up in the minds of the reader. The daily papers have given an abstract of the indictment

against Corder (the murderer of Maria Marten), which *abstrac* occupies about three-fourths of a column of small print; and we ask whether any mortal can glance his eye over this article, without having his sentiment of horror at the crime disturbed by a sense of the ludicrous absurdity of the jargon in which it is set forth.

"First Count.—The Jurors of our Lord the "King, upon their oath, present that William "Corder, late of the parish of Polstead, &c., "Suffolk, yeoman, on the 18th of May, &c., with "force and arms, &c., in and upon one Maria "Marten, in the fear of God, &c., then and there "being, feloniously, wilfully, and of his malice "aforethought, did make an assault, and that the "said William Corder, a certain pistol of 2*s.* value, "then and there charged with gunpowder and one "leaden bullet (which pistol he the said William "Corder, in his right hand, then and there had "and held) then and there feloniously, wilfully, "and of his malice aforethought, did discharge "and shoot off at, against, and upon the said "Maria Marten; and the said William Corder, "with the leaden bullet aforesaid, out of the "pistol aforesaid, by the said William Corder "discharged and shot off, then and there felo- "niously, wilfully, &c., did strike, penetrate, and "wound the said Maria Marten in and upon the "left side of the face of her the said Maria Marten, "&c., giving her the said Maria Marten one

" mortal wound of the depth of four inches, and of " the breadth of half an inch, of which said mortal " wound she the said Maria Marten then and " there instantly died; and so the Jurors aforesaid, " upon their oaths, &c., do say, that the said " William Corder, her the said Maria Marten, " did kill and murder."

As it would be impossible to proceed in the investigation of truth without the wholesome aid of a contradictory averment, or a palpable lie, in the next count it is stated that William Corder killed Maria Marten with a sword of the value of one shilling. It may be asked of what importance is the value of the instrument; the answer is, that it serves to hang a falsehood on—which seems to be always good in the forms of the law—the instrument being valued at a worth obviously stated at random, and false.

The naked state of the accusation of Corder is this:—

He killed one Maria Marten with a wound from a pistol bullet on the left side of the face. Of this wound* she instantly died.

* The Judge, in his charge, supposed it possible, that the accused might be found guilty of all the modes of killing described in the ten counts. He has then to explain how a person who *instantly* died of one sort of wound, could also have *instantly* died of another sort of wound, and unless he can make out this variety of causation, all predicated to be acting momentarily to the same effect, and which yet could not by possibility be simultaneous

He killed one Maria Marten with the blow of a one-shilling sword on the left side of the body, of which wound she instantly died.

He killed one Maria Marten with the blow of a sword on the right side of the face.

He killed one Maria Marten by a blow on the right side of the neck.

He killed one Maria Marten by strangling her with a handkerchief.

He killed one Maria Marten by shooting her with a charge of shot from a gun.

He killed one Maria Marten by throwing her into a hole, and heaping upon her five bushels of earth *of no value*, and five bushels of clay of no value, and five bushels of gravel of no value, of all which load of fifteen bushels of no value she instantly died.

He killed one Maria Marten by heaping fifteen bushels of clay, gravel, and earth, in equal quantities and equal worthlessness, upon her in a hole of a particular size.

He killed one Maria Marten by stabbing her with a sharp instrument, and also strangling her.

He killed one Maria Marten by shooting her with a pistol loaded with shot, by stabbing her

in action—for Corder could not give Maria the blow of a sword of which she instantly died, at the same moment at which he wounded her with a pistol-ball, of which she instantly died—the Judge has, out of compliment to the forms of law, supposed a physical impossibility possible.

with a sharp instrument, also with a one-shilling sword, by strangling her with a handkerchief, and throwing her into a hole. and heaping earth, gravel, and clay on her.

Now, it is mathematically certain, that if Corder killed only one Maria Marten, and not ten different Maria Martens destroyed by different means, as set forth in the indictment, nine distinct lies have been averred respecting the circumstances; and it follows that no less than nine great lies, with their accompaniments, are absolutely necessary to the discovery of one truth, and the ends of justice. If it had simply been set forth that Corder had killed Maria Marten, the minds of the Jury would surely have been utterly at fault, and unequal to discover by the examination of the evidence whether he had indeed murdered the deceased, and by what means. How admirably promotive of the elucidation of truth, and the detection of guilt, is that exact averment of the five bushels of clay, the five bushels of earth, and the five bushels of gravel! And what curious and profound effect there is in the statement that the earth, gravel, and clay were of "no value!" How directly all these facts bear on the point at issue! And while so much nicety is observed, how much latitude is allowed! For example: exact in statement as those combined fifteen bushels sound, the clerk of the indictment might have made Corder either destroy Maria Marten in Polstead barn, with as much soil as

would make a new world, or he might have made him smother her by flinging on her half a peck of mould. Provided only a lie be told, English justice is satisfied. The effect of the lie is indifferent; all that is wanted, is the custom and comforting example of falsehood. Whether you use a mountain or a mole-hill in an indictment for murder, is indifferent, provided you give it the necessary character of a lie. For example: to have said that William Corder killed Maria Marten by heaping earth upon her, might have been true; but the exactness of stating that he killed her with five bushels of earth, five of clay, and five of gravel, produces the desirable certainty of a falsehood. If falsehood were supposed to be an exhaustible body, nothing could be conceived more politic than the system of English law, which would in this case expend so many lies in its own forms and proceedings, as to leave none for the use of rogues in evidence; but unfortunately such is not the moral philosophy, and the witness who goes into one of our Courts, the vital atmosphere of which is charged with fiction, is too likely to have his inward and latent mendacity provoked by the example. He sees, in the reputed sacred forms of justice, that the falsehood which is accounted convenient is not esteemed shameful; and why, he considers, may not the individual man have his politic fictions as well as that abstraction of all possible human ex-

cellence, justice. The end sanctions the means. We cannot touch pitch without defilement, and it is impossible that a people can be familiarized with falsehood and reconciled to it on the pretence of its utility, without detriment to their morals.

EXAMINATION OF PRISONERS.

A CONTEMPORARY notices contemptuously some attempts at the Mansion House to lead a prisoner to self-conviction. We much regret to find a paper of reputation and honourably-acquired power thus lending itself to the encouragement of a stupid and pernicious prejudice. What but the discovery of the criminal does society want? and what matters it to justice whether that discovery is obtained through his self-betrayal or the evidence of others? Who should grieve because a culprit has made his falsehood the proof of his guilt? If the truth is detected, we have all that we require; and it is maudlin trash to lament that the sufferer should be instrumental to his own conviction. In the proceedings of what we may term natural justice, no such prejudice exists. The father cross-examines his child to lead it to the betrayal of its

fault, and, feeling the importance of correction, his whole anxiety is the discovery of the truth, for which purpose no means, not immoral in their character, are to be rejected. In eliciting self-conviction we can discern no immorality; but in the offer of rewards for the treachery of confederates, there is much. People, however, who cannot endure the thoughts of catching the truth from the culprit's lips, see nothing amiss in bribing his bosom friend to his betrayal. It may be said that innocence, under examination, may commit itself to the contradictions which look like guilt; we do not think this much to be apprehended, for there is necessarily a consistency in truth; but, conceding the danger at the utmost, it is exceeded by the risk of perjury, encouraged by our practice of offering rewards; and we should like to know why the one peril is regarded with such horror, and the other with no kind of alarm. It is an affair of custom. The lawyers have seen that their interests require the paths of truth to be as few and narrow as possible, for in the difficulty of the access consists the mystery of their craft. No maxim can therefore be more properly recommended by them, than that the prisoner should not be practised on for his own detection, because this short cut to truth would be fatal to the machinery of many a prosecution and its profits. They have consequently given to the extortion of confession the name of inhumanity; and people have unfortunately been ready enough

to adopt the misnomer, in a country where the suspended law is always of a weight exceeding the opinion of justness. Were our chastisements more moderate and better suited to the ideas of justice, people would soon see that there was no humanity in favouring the escape of guilt.

As it seems to us there is one objection, and only one, to the French method of examining a prisoner, with a view to making him a witness against himself, which is, the possibility that the process may produce in the mind of the Judge an irritation, from baffled inquiry, incompatible with the essence of his duty. But it is not necessary that the Judge should be the examiner.

The prejudice against self-conviction is one supported by lawyers, and favoured by the vicious severity of the law, which excites a blind compassion: and there is no more real humanity in the maxim against the culprit's self-conviction, than in the sportsman's rule against shooting their game sitting. Both originate with a view to the sport, which requires pursuit. The hunter's object is his run; the farmer's, the destruction of the fox. The lawyer's object is the prosecution; society's, the detection of the criminal. The hunter and the lawyer are indifferent to the capture, and care only for the pursuit. Squire Western calls it ungentlemanly to kill foxes by any other means than hounds; and Sir James Scarlett would term it inhuman to detect culprits by any other course than

a pack of witnesses, hunted according to the profits and forms of law.

TRIAL BY JURY.

THE British Constitution delights in things which are called *balances*,—as we believe, because they are as unlike balances as action is unlike rest; and in no province of our system is this peculiarity more admirable than in the administration of justice. The law of England is the most intricate labyrinth ever yet achieved for the perplexity of the understanding. The knowledge of this maze is called a science, and it requires years of study to acquire a moderate degree of skill in its paths. Trained lawyers are often at fault, and where should the constitution, according to its system of balances, look for the correction of the best skilled but in the most unskilled? Ignorance is the balance to science. Accordingly when we set one man on the Bench, with half a century's professional craft and learning in his head, as a counterpoise to these qualifications we put twelve men in a box, who supply a fund of virtue and inexperience. The intricacy of the law is thus cured by the simplicity

of its administrators. Ignorance is the sword which cleaves the Gordian knot. In any common affairs of life, perhaps no one would think of advising with any individual of these twelve; but when they are put in a box, they work better than dice for the decision in the negative or affirmative. The Judge has the skill best fitted for the judgment on the evidence, but the jealousy of the Constitution will not trust him, and the virtue of twelve good men is deemed only sufficient to supply the possible deficiency in probity of one Judge. The more perplexed the law is, the better works Trial by Jury, because ignorance perceives the impossibility of judging of a question involving unknown elements, and confines itself to the short inquiry, shall we say *yea* or *nay*.

A Jury is of excellent use against the oppression of the Crown, as a wool-pack is of good service against a cannon shot; but we employ Juries for every-day purposes of justice, and strange to say, prudent men do not walk about fortified with wool-packs against possible bullets. Would we abolish that glory of Britain, the Trial by Jury? No, for we know not how to do without it, until the evil which makes evil good is removed. A government which proceeds not from the people, and consequently has not their confidence, compels cumbrous precautions against abuse. To revert to our former illustration, we must harness ourselves with wool-packs against danger from our Lord the King.

Under these circumstances, the institution is not one to warrant pride. But, like the people of the Alps, we pique ourselves on our wens.

The occasion of these words is a special case, which presents, we fear, a too general example of the incapacity of Juries for their duties. In the summer, a gentleman endeavoured to prove a deceased daughter a concubine, for the sake of recovering some trinkets claimed by her husband. The Jury found for the good father; and on a motion to set aside the verdict on the grounds of misdirection on the part of the Judge and misconduct on that of the Jury, the following respectable procedings were brought to light.

"The first affidavit was that of George Nest, "bound-bailiff to the High-Sheriff of Gloucester. "He swears that at the conclusion of the trial he "was appointed by the Court to take charge of the "Jury. He accordingly locked them up, and "seated himself outside the door of their room. "He heard a very warm debate amongst them; "they discoursed loudly. At length a division "took place, and it was proclaimed that there were "six for the plaintiff and six for the defendant. "They then disputed further; a second division "took place, when there were seven for the "plaintiff and five for the defendant. One of the "Jurors was now heard suggesting the necessity "of coming to a speedy decision one way or the "other. 'It is growing late (said he), and unless

" we give in our verdict to-night, the Judge will " lock us up all to-morrow—recollect that it will " be Sunday.'

" Mr Baron HULLOCK: He was ignorant of " the law, for I recollect taking the verdict of a " Jury on a Sunday.

" Mr CAMPBELL: Indeed they appear not to " have been very well aware of the law. The " affidavit went on to state, that upon this hint " respecting their being locked up all the Sunday, " a Juror proposed that they should toss up about " the verdict. This was not agreed to. ' Well, " then, (said a Juror), let us cast lots; let us get " two slips of paper, one long and the other short.'

" Mr Baron GARROW: Which party was to be " represented by the long slip?

" Mr CAMPBELL: The witness does not say, " my Lord; but states that this latter proposition " was assented to. All was now quiet for a " moment, when several voices cried out ' There " then, it's for the plaintiff.' The Jury knocked " instantly at the door, and told the witness that " they had agreed to their verdict. They were " accordingly conducted into the Court, at eleven " o'clock at night, and after the usual formalities " were gone through, the foreman, with becoming " solemnity, declared that they found their verdict " for the plaintiff.

" Edward Kendal, a wharfinger, residing at " Gloucester, also swore that whilst he was stand-

" ing in a passage leading from the Court-house " he overheard the facts detailed by the other " witness. He distinctly heard the Jury agree to " cast lots for the verdict."

Long and short slips!—Such is the sum of human wisdom, the perfection of prudent polity!

In Equity, the scheme of ultimate recourse to ignorance for judgment is analagous to that in our law courts, as an appeal lies from the decision of the first judicial authority in the land to the Lords, who cannot be presumed to have any knowledge whatever of the matter. It thus seems plainly the intention of the Constitution, that ignorance should be the supreme tribunal over skill, and that the perplexities of science should be resolved by the simplicity of inexperience.

It is odd, that the polity found so beautiful in one instance does not obtain in others. When Sir Astley Cooper doubts about cutting off a leg, why does he not call twelve men out of the street to assist his judgment? He might lay down the anatomy, exhibit the disease, and invite them to determine, gangrene or no gangrene.

MAGISTRACIES TO BE SOLD.

We would particularly refer the admirers of "things as they are," to an auction advertisement, in the *Courier*, *Globe*, and other papers, setting forth that on Tuesday the 16th of September, Mr Driver will sell by order of his Majesty's Commissioners of Woods and Forests, a Crown estate in Essex, stocked with game, &c., and conveying many most valuable privileges, "amongst others," says the affiche,

"The owner of this manor and lordship (Haver-
"ing atte Bower) *has the sole nomination and*
"*appointment of two of the Magistrates*, the tenants
"and inhabitants within the manor and lordship
"appointing the third, *who exercise an exclusive*
"*jurisdiction, the Magistrates for the county at*
"*large being prohibited from acting within this*
"*lordship.*"

It seems to us that Mr Driver has scarcely laid sufficient stress on this advantage. What an opportunity is here presented to Sporting Gentlemen who have the preservation of game at heart! The purchaser of the property may, if he please, make his keeper and helper Justices of the Peace as well as Guardians of the Birds, an union of func-

tions as rare as it is obviously desirable. The convenience of giving to the apprehender of poachers the magisterial power also of committing them, is indeed so manifest, that we are confident it is unnecessary to dilate further on the topic; and then how great the advantage of the exclusive jurisdiction, "the Magistrates of the County being prohibited from acting within this Lordship!" How delightfully snug! Game and Justice within a ring fence! Everything done at home! Here the Squire may kill his own mutton, brew his own beer, and make his own law; aye, and his own law-expounder too. Nothing is wanting but a gaol on the estate, with a tread-mill, that he might have it to say that he ground his own prisoners also.

There is one benefit which Mr Driver has omitted to recite, perhaps from some little delicacy—we too scarcely know how to name it—we would spare blushes, and it may be guessed what we would inquire—is there no * * * * on the property? You know what we mean; do not compel us to speak out, we really wish to be delicate—is there no "Justice Juice?" Is there no "Cat and Bagpipes," or "George and Dragon," within the snug jurisdiction; or in plain terms, is there no licensing business? Say that there is, and we will dream the rest. What game is to the sportsman, public-houses are to the speculating Justice; and surely when two Magistracies are put up for

sale, by order of his Majesty's Commissioners of Woods and Forests, it is strange that the mention of this important particular should have been altogether omitted. *Præfulgebat quod non visebatur* may however have been the effect intended.

When Magistracies of exclusive jurisdiction are on sale, going by auction with arable and meadow, out-houses and barns, sheep and oxen, pots and pans, the imagination fills the territory with the advantages accruing from every conceivable abuse. Sentimental ladies may sing Mr Bayley's choice of bliss, "I'd be a butterfly;" but for good, substantial, dishonest profits and enjoyment, we should chaunt,

"I'd be a Justice of Hav'ring atte Bower."

JUSTICE AND MERCY.

"CERTAIN it is," says Bacon, "that words, as a "Tartar's bow, do shoot back upon the under- "standing of the wisest, and mightily entangle "and pervert the judgment: so as it is almost neces- "sary in all controversies and disputations to imi- "tate the wisdom of the mathematicians, in setting "down in the very beginning the definition of our "words and terms, that others may know how we

"accept and understand them, and whether they "concur with us or no."

We thought of this passage, and wished its wise admonitions observed, when we read in the debates that Sir Robert Wilson had professed himself "one of the last who would be *severe in the* "*administration of justice*, but one of the first "who would do what was just and right* for the "public interest."

When a man disavows a disposition to severity in the administration of justice, we should like to understand what he means by justice, and also an explanation of the nature of the virtue which he perceives in himself to be supplementary to it. We can readily comprehend severity in the administration of the law, but severity in the administration of justice is a paradox. Where justice is, severity is not. Justice in itself includes every condition of fitness, and with the idea of it no kind of excess or deficiency is compatible. The poet talks mischievously of tempering justice with mercy; the imagined justice which requires such a mitigation, is injustice. Justice comprehends exactly so much allowance for the criminal as the case requires.

It is politic, however, to represent the attribute as in its essence fallible, seeing how egregiously faulty is the practice which bears its name. Taught

* Is there any action *just* and *wrong* in the administration of law.

to believe that justice itself can err, men are prepared to esteem that justice which is ever erring.

There is a Court of Equity and a Court of Law in Westminster Hall, but there are no separate jurisdictions of Justice and Mercy in the human breast; and when we feel disposed to give ourselves credit for clemency, we ought to suspect some deficiency in our idea of Justice. If carpenters, like England's Themis, habitually took measurements hoodwinked, and applied straight rules to all the curves in conic sections, they might make a merit of occasionally slipping off the bandage, and *tempering mensuration with eye-sight.* The world, however, would be apt to think that the business of admeasurement should include the use of sight. English Courts have this advantage, that when slipping the bandage, they choose to see with the eye of mercy, they are released from all the restraint of rules: and when they blindly apply the rigid rules, they may deny any allowances for human infirmity. In the separation of the two attributes lies a space open for arbitrary severity or indulgence.

A contemporary has ably shown the impolicy of vesting the prerogative of mercy in the Crown. It remarks that the Crown in effect exercises the functions of a Revisionary Tribunal over the High Criminal Courts, but it performs this office very inadequately in all respects, and in a manner strikingly disadvantageous to the convict, who has

no opportunity of meeting and rebutting the representations which may secretly be made to the Minister, in proof or aggravation of his offence: the whole affair being conducted in the privacy of a Secretary's chamber. Our contemporary wisely suggests that a Public Tribunal should supersede this slovenly system. The proposal, however strong in reason, is liable to one most serious and powerful objection, namely, a metaphor—"Would you wrest from the Crown its brightest jewel?" This is indeed the truly British method of discussing questions of jurisprudence. Our legal polity is mainly upheld by toasts, sentiments, and the burthens of old songs. The man who desired to vindicate to the King the prerogative of mercy in a popular manner, in the *Quarterly Review*, need only turn to the word "mercy" in Stockdale's 'Index of Shakspeare,' and by merely stringing together all the fine things that have been said on the god-like attribute, he would compound an article perfectly convincing as to the expediency and wisdom of continuing the prerogative in the Crown. By the mere force of calling mercy a jewel, the business might be accomplished. Jewels are necessary to crowns. Of all jewels, mercy is surely the brightest—"Would you rob your Monarch of his most precious stone?" At this appeal, John Bull fairly blubbers with tenderness for the Royal baubles.

In order, therefore, to take up this question with

any hope of success, we must clear the ground of the metaphors before we venture to touch on the reasons. We must not hope to reach the head through the heart, by first representing the helpless state of the poor convict, whose appeals for the last consideration of his hard sentence are indolently neglected or met by the private suggestions of prejudice or malice, which he has no opportunity of encountering and correcting. The Jewel would prevail against this picture, as all Rundell and Bridge's against the condemned cell. The first object, therefore, should be to persuade honest and loyal Mr Bull, that the stone which he figures in his Monarch's head-geer, is, if it must needs be a stone, a stone in the tenderest part of his person, and as painful and troublesome to his feelings as a stone like other bodies out of place is perfectly capable of being. The newspapers, which never fail to set forth with all historical exactness the virtues of the best of Kings, have often told us that for days before his Majesty receives the Recorder's Report, he is touched with uneasiness, and full of anxiety from that period to the hour of doom. This it is to have a precious stone—this is a fit of the mercy. Pity, in little people, is not an inordinately troublesome affection of the mind; we give it a free vent, and it goes forth in a sigh, a tear, or may be, in a thing of the substance and value of a halfpenny; after this evaporation of virtue, the mind consoles itself for its momentary

pain, by pondering and marvelling over its generous emotions. We have seen an honest creature's head touch the seventh heaven, after having given a copper to a beggar. The personal pity of a King, in connexion with his authority, becomes, however, a much more troublesome matter, and a sad conflict is excited between his compassion and his duty, his tenderness for human life, and his reverence for justice. We would spare him this struggle. The sweets of extending mercy are not comparable with the more frequent distress of doubtingly withholding it. A Revisionary Tribunal would relieve the Monarch of this constant and sore trouble, substitute a more intelligible principle than has been disguised under the name of mercy, and give better and more steady effect, by improved means to the same real end.

We occasionally see it stated, that his Majesty has been graciously pleased to commute A. B.'s sentence from death to transportation. Now there is no graciousness whatever in this or any such act, for if A. B. merited not death, but transportation, what would his Majesty's conduct be if he suffered the undue sentence to be carried into effect? It would be in effect a misprision of murder. All that is vulgarly set down to the account of mercy in the Crown, should, if worthy of praise or approval, be placed to the account of its justice. The Crown, which corrects the too-heavy sentence of the Criminal Court, reduces it to the standard of Justice; if

it does more than this, it betrays the trust of the people. Mercy, as an antithesis to Justice, is a good cheat to the understanding. When justice deserves its name, mercy in the befitting degree has regulated the law; but our legislators make the law according to the stage directions for a scene of butchery in an old tragedy, "*as bloody as may be*," * and leave the correction of the excess to the much lauded attribute of the Throne. Mercy thus comes in remedy of the law, but not of justice. The mercy shown by the Crown is, in many cases, the exact difference between the law as it is, and the law as it ought to be. But there are cases of entire error in the administration of the law, as well as of the excess of punishment. It clearly is not mercy which relieves the prisoner from the infliction of the unjust sentence, but strict justice. It is of much consequence to understand that what is termed Royal Mercy is, in all cases where it is not perniciously exercised, Royal Justice; for by this correct use of expressions, we get rid of the dangerous metaphor of "the brightest jewel," and it is readily perceived that the object being justice, it were wise to furnish the regular machinery for carrying it into effect. Compassion is supposed to be a feeling all sufficient in all men, and we may safely leave the King to pity, unassisted even by

* Written before the important mitigations of the criminal law.

a Mr Peel; but justice is not an affair of mere sentiment, and it will be admitted that the most extensive aids are necessary to it—such as, men practised in judgment for decision; pleaders to present or remove objections; publicity to ensure care and rectitude.

In a late case, which has given occasion to these remarks, the law said death, the whole country clamoured for mercy; the man has suffered, and a newspaper paragraph stating that a bad case had been represented against him in the Home Secretary's Office, is the only assurance which a humane community has of the fitness of his abhorred sentence. How much better would it have been, if an open Court had taken cognizance of his pleas, and by setting its value on them, satisfied the country of the grounds of the sentence. As it is, we only know that representations fatal to the prisoner were made; but we know not that he could not have rebutted them had they been publicly preferred, and had the opportunity of defence been offered to him.

For our own parts, we are convinced that the prerogative of mercy has worked mischievously, inasmuch as it has allowed of a heinous severity in the laws. Had the King no dispensing power, Legislators would shudder to make death, as they are wont to do, the common measure of crime. Whenever it is understood that laws are rigidly to be administered, they will be framed in the spirit

of moderation, and that clemency which is now left to be supplied by the King will be infused into their substance.

VIRTUE OF "RESPECTABILITY."

We delight greatly in those nice conventional distinctions, by which one half of the world are continually throwing, or endeavouring to throw, dust in the eyes of the other; for this purpose, it is only necessary to fix upon a good epithet, attach it to a class, and more than half the work of mystification is accomplished. A single adjective, as "fashionable," "amiable," "honourable," "accomplished," will answer ordinary purposes of pretension, but if the object be to pick pockets without risk of the Old Bailey, a double epithet must be resorted to. For instance: all traders are *respectable*, provided they pay their rent and taxes, go to church occasionally, and have few bills dishonoured; but the respectability would be in jeopardy in any great transaction of trade, unless reinforced by the powerful word *opulent*.

The other day, an application was made to the Lord Mayor by the "opulent and *respectable* inhabitants of Capel's court," against certain dis-

reputable and disorderly jobbers, who, having been excluded from the Stock Exchange, continued to congregate in its vicinity, and to carry on a half-crown traffic in the rise and fall of stocks. Those in the house, and those in the alley were equally engaged in illegal gambling; no one complained of the national nuisance of the great operators; but all the world was shocked at the exposure of the two-and-sixpenny gamblers. If the Chief Magistrate of Bow street had seen a couple of chimney-sweepers playing cribbage on the steps at Crockford's, he could not have manifested more honest indignation at the insult to public morals, than the opulent and *respectable* jobbers of the city of London expressed at the desecration of their mysteries by the pauper outcasts from their honourable society. The Lord Mayor, much to his credit, refused the required aid; probably he had read the Vice-Chancellor's judgment in *Brookman and Rothschild*, and thought that if the besom of reform were carried into the alley, its cleansing ought not to stop at the door-posts.

A MAGISTRATE'S ZEAL FOR GOOD MANNERS.

We have been vastly edified by a Bow street Report, setting forth the method of instructing persons in respect for the Bench pursued at that office. An elderly gentleman of the name of Birley having put on his hat before he had quite left the justice-room, Mr H. cried out "take off your hat, Sir." The old gentleman, not hearing the command, walked on, when Mr H. exclaimed, "knock off his hat, officer; *we'll teach him to show some respect to the Bench.*" A patrol ran up to Mr Birley and struck at his hat, but missed it. As Mr Birley arrived on the top of the steps outside the Magistrates' room, the constable struck a second blow, and down the steps tumbled both Mr Birley and hat into the yard.

Undoubtedly this is the way to cause the Bench to be respected, and we cannot but admire such a zeal for good manners and a becoming sense of Magisterial propriety united in the person of the same worthy Justice. There are narrow-minded persons who may object that it is not exactly the province of a Magistrate to command an assault, but surely this was a case to justify

such a little anomaly; for as the gentleman was old, it is clear that there was no time to be lost for his instruction in good breeding. To be sure he was deaf, and perhaps it would have been as well, considering that circumstance, if Mr H. had taught him to hear before he proceeded to the *voie de fait* method of instruction. When the ardour of teaching, however, is on Mr H., he overlooks these little particulars, and a thump on the head speaks volumes in the most pithy and unequivocal manner conceivable. Those that run may read this lesson. The hat in fault, the hat knocked off, and the head punished in the process. Close logic! We wonder whether there is any method of instruction half so simple and effectual at the Asylum for the Deaf and Dumb. If Mr Peel has a proper sense of the duties of his station, he should send for Mr H., and examine him as to his mode of instructing people in the respect due to the Bench. Such art should not be lost, or confined to the breast and practice of a single Magistrate. The whole country ought to profit by the secret.

INCONSISTENCY IN MORAL JUDGMENTS.

A STRIKING inconsistency of judgment is the result of the very active state of the moral feelings in England, together with the general ignorance of moral principles. Every Briton makes it a point of conscience to keep a moral sentiment, and the more fierce its character, the greater he believes its virtue, or rather his own virtue in possessing it; but of any principle for the exercise of it he is commonly barren. His morality is chained up in his breast as the mastiff is chained up in his court-yard, and like the dog it has generally a proneness to bark at beggars and vagabonds. Watchfulness and zeal belong to both, and neither is under the guidance of intelligence. A few years ago Kean, the actor, committed a *faux-pas;* Kean was a member of a profession supposed to be prone to debauchery—with what justice it is immaterial to our present observation to inquire;—and for this error, vulgarly imagined to be in keeping with the looseness of the histrionic character, Kean was subjected to the fulminations of the press, and what was still harder the orange peel of the

galleries, and for a season he was driven from the stage and compelled to seek his bread in a strange land. Such was the Actor's fate. Let us by the side of this view another case which has just been submitted to the public judgment. A Clergyman of a church laying claim to more strictness and purity than any other in the world, and existing in a land perpetually boasting its superior morality, engages in intrigues; diverts himself, as he explains, with seduction; and still further pollutes his victims with obscene communications. This wanton man is not like the actor subjected to the fulminations of the press, or the hissing scoffs of his auditory; he is not driven from his country, no nor from his church, for after a short suspension, so slight and venial is seen to be his offence, that he is re-instated in his holy functions! Without taking upon us to decide whether the public were too severe on the player, or whether the Synod were too indulgent to the minister, we think we may venture to affirm, that a gross inconsistency is manifest in the two moral judgments. Both cannot be right. If the Actor's offence warranted his chastisement, the Minister's surely has been regarded with an undue leniency. Had the Synod sat in Drury Lane Theatre in the place of the pot-boys, apprentices, &c., who, for the most part, constitute such high tribunals of criticism, how would it have treated the delinquent? We suspect they would have refused even to look at

the polluted man. But on one of their own order, how indulgent is their sentence! Alas, the scoffers will say that the argument of Hawthorn's song in 'Love in a Village,' must have some application to this case:—

"The greatest and gravest—a truce to grimace—
Would do the same thing, were they in the same place."

GENERAL MOURNINGS.

A GENERAL mourning is a mark of outward respect to a Prince, only accompanied with a substantial injury to thousands of poor people, whose humble industry is thrown out of employment. The *Spectator* newspaper, condemning the inconsiderate custom, observes,—

"In very old times it was a practice to immo-
"late slaves or captives at the funeral piles of great
"individuals. The custom is modified, not abo-
"lished. We sacrifice to the shades of our
"departed princes, the interests of the capital-
"ist, and of those who depend on him for sub-
"sistance—the mechanic, his wife, and his chil-
"dren. Thus an amiable personage, who during
"life never deserved aught but good-will of his

"fellow-men, becomes in death, by no fault of "his own, the object of curses not loud but "deep."

These mournings which have so cruel an operation in one respect, are far from consistent with the feelings of grief, for people extremely rejoice in thrusting themselves into their old black suits, which they resume and wear with a frowzy content. Those who are unprovided, indeed, do not like buying; but when once the black is purchased, it is interminable wear. To remedy the evil to the poor dependents on fashion, and also to restore mournings to their original intention of sympathy with grief, we propose to return to the ancient practice of rending the garments, a proceeding which will fill people with pain according to the quality of their clothes, and consequently in a fair proportion to their conditions. Let the *Gazette* announce that on such a day his Majesty's subjects are required to tear their clothes; belles and dandies, the idle and affluent, will grievously lament this destruction of their habiliments, but the makers and workers-up of the stuffs, with their thousands of poor servants, will exceedingly rejoice. Black afflicts only the lowly; rending would communicate sorrow according to the finery of the render. To see dainty folks go about for a season with tattered clothes, would be a spectacle edifying too in itself, independent of the commercial advantages. As ex-

tremes meet, the people of the East testified their sorrow and the excess of pleasure by the same act of tearing their clothes. In the Arabian Nights, it will be remembered, whenever the Sultan is pleased with a song, he commences tearing his clothes. People do not do this at the opera; but they ought. Imagine a whole theatre, instead of roaring out *bravo* and thumping sticks on the floor, or making a disagreeable noise with their hands,—instead of these doubtful signs of satisfaction, we say, imagine them falling foul of their clothes, and tearing them to shreds with joy. This would be some proof of sincerity. It would save the trouble too of that insipid routine inquiry, "how have you been pleased to-night?" for the tatters would indicate the exact degree of enjoyment.

ETON MONTEM.

"TRAIN the child in the way he should walk,"—and what better training for infant statesmen and senators than the practice of mendicancy, robbery, and outrage? A school is a microcosm, the Captain is the King, and what more pertinent lesson can the youths of Eton learn than the great convenience of plundering the many for the benefit of

the one? *Mos pro lege* is their maxim, and what villany is there in public life not sanctioned by the *mos*. "The beggars," says Sheridan, "are a very ancient family," and so assuredly are the thieves: *Mos pro lege* too is a motto for Bill Soames, and as apt for the filching of the Strand as that of Eton. Apropos—Did the moss-troopers, the robbers of the border, derive their name from that preference of the custom of thieving to observance of the law, professed by the Etonians?

It must be astonishingly liberalizing to the minds of these boys to discern so early the signal advantage of renouncing decent pride and honesty, and turning to begging or robbing. And the matter is improved by the manner. The fantastic dresses have the excellent tendency of turning their young heads with a vanity beyond their years. Imagine the effect of making the lads shows for the admiration of crowds of women of fashion, and their personal appearance the theme of newspaper commendation! Could any follies of a day be conceived better adapted to debauch the mind of youth, to sully its natural modesty, and taint it with a vanity of the coarsest sort?

The nonsense of the affair is about on a par with its propriety. It is too absurd to read the report of some hundred boys in fantastic dresses marching to a mount where their Captain, starting into manhood, waves a flag to such a degree that he is on the point of fainting, and requires the

support of his adjutants. The achievement of flourishing a flag would never seem particularly worthy, but the attendant personal distress makes it to the last degree ridiculous, and gives the finish to the tom-foolery. Outrage is the last incident to the day's extravagances, and the mischief committed by the boys on the past occasion surpassed even the usual excesses.

DECLINE OF RHETORIC WITH THE ADVANCE OF KNOWLEDGE.

THE natural consequence of the increase of knowledge, must be the decline of rhetoric. The lectures of mathematicians, chemists, and medical professors, have never been rhetorical, because the speakers have endeavoured to communicate facts, and not to amuse the ear. Politics are better understood now than formerly, and declamations have in that province proportionately declined. Some ideas of matters of fact, or apprehension of a knowledge of them in others, have fettered the fancy. This is not a state of things to be lamented; finery is discarded, because the forms of truth have thrown it into discredit. There are men who see

something to be regretted in the common decline of rhetoric; and the author of the 'Tales of the Great St Bernard' holds forth thus:—

"Oratory is dead and gone, and we have in its "place flippancy, feebleness, and sneering. This "is the day of party, without the manly objects "that once dignified even party. Public life is "a game, a political loo, in which every player is "for himself; or if he combine with another, it is "for the purpose of tricking a third. Our oratory "is worthy of its subjects. The recriminations of "broken preferment-hunters and detected con-"spirators ought to be expressed in the language "of their heads and hearts. The disappointed "ambition of picking the public purse should be-"wail itself in the eloquence of the jail. The "words of an Iscariot must be impressed with "the guilt, shuffling, and meanness of an Iscariot's "soul."

There is this advantage in having feebleness, flippancy, and sneering in the place of oratory, that these things, instead of disguising a rotten argument, must necessarily make its falsehood the more manifest and distasteful. To regret, therefore, the decline of the oratory which would have a different effect, is to regret the absence of the successful means of delusion. If knavery shews itself more unequivocally knavish, for lack of the decorations of eloquence, why should honest men lament that the specious robing has given place to gaol

attire? Why should we grieve that our cheats want grandeur? The meanness which puts us on our guard against them is surely satisfactory.

As for the description of public life, as "the day of party without the manly objects that once dignified them as a party," and as "the game in which every player is for himself; or if he combine with another does it for the purpose of tricking a third,"—it is our opinion, and one in which we are sure ninety-nine men out of a hundred will concur, that there never was so much political honesty as at the present hour, or to put the proposition in a form less liable to exception, that there never was so little political profligacy, as in the present day. Provided we keep ourselves in a state of ignorance, we may hold forth eloquently upon the unequalled vices of public men, but he who studies the history of the past century, is compelled to acknowledge the great improvement in the morals of performers in the political drama. Our greatest and most despised rogues would have passed muster, as of average virtue, in the days of Walpole. The truth is, that in the last century, men could steal horses more safely than they can now look over hedges. The actual crime then carried less odium with it than the suspicion of the present day. We do not deny that our knaves are of a petty larceny shabbiness, whose deeds will not bear the decorations of eloquence, but we nevertheless prefer them to the more picturesque ban-

ditti, romantic, and capable of the stage decorations, but also more dangerous to life and property. Levying black-mail looks better in novels, but, in life, larceny, though not so handsome, is preferable.

CATHOLIC EMANCIPATION.

Mr Sydney Smith, in his admirable article on the Catholic Question, in No. 90 of the *Edinburgh Review*, observes,—

"Few men consider the historical view which "will be taken of present events. The bubbles of "1826; the fishing for half-crowns in Vigo Bay; "the Milk, Muffin, and Crumpet Companies; the "Apple, Pear, and Plum Associations; the Na- "tional Gooseberry and Currant Company; will all "be remembered as instances of that partial mad- "ness to which society is occasionally exposed. "What will be said of all the intolerable trash "which is issued forth at public meetings of No- "Popery? The follies of one century are scarcely "credible in that which succeeds it. A grand- "mamma of 1827, is as wise as a very wise man of "1727. If the world lasts till 1927, the grand- "mamma of that period will be far wiser than the "tip-top No-Popery men of this day. That this

" childish nonsense will have got out of the draw-
" ing room there can be no doubt. It will most
" probably have passed through the steward's
" room, and butler's pantry, into the kitchen. This
" is the case with ghosts. They no longer loll on
" coaches, and sip tea, but are down on their knees
" scrubbing with the scullion, or stand sweating
" and basting with the cook. Mrs Abigail turns
" up her nose at them, and the house-maid declares
" for flesh and blood, and will have none of their
" company."

The passing action (the removal of the Catholic disabilities) great and laudable as it is in our eyes, will hardly be appreciated in history, for the ridicule attaching to the No-Popery panic will detract from the merit of having defied it, and compelled submission to the terms of reason and justice. The man who, a century ago, marched up to a hobgoblin breathing fire and smoke, was only too hardy a hero in the eyes of the trembling beholders; but when the spectre was familiarly known to be a pumpkin with a candle in its sconce, the act of daring it sunk to a level with the absurd occasion. The superiority to a once pervading superstition is forgotten, and it is only remembered that the man was bold enough to brave a pumpkin and a rushlight. Twenty years hence, people will read the proceedings of our day without an understanding of the merit which really belongs to the Duke of Wellington for having defied a vulgar prejudice, and trampled it under foot for a

nation's good. Coming generations will only wonder at the much ado about nothing of their wise progenitors. We are indeed in the last act of a Big and Little Endian dispute, and hereafter how trivial will appear the adjustment of such a controversy. Folly is routed in her extreme hold; but what a trophy is her cap and bells! The Duke of Wellington will not go down to posterity with this mitre of despoiled bigotry in his hand. It is all very fine in newspaper writers to talk of the estimate after ages will form of his action, but the truth is, that its merit can only be understood by ourselves, who know the obstacles he encountered and overcame. There are certain conquests which, like the best witticisms, seem perfectly easy when they are made, and that under consideration is of the number. The Duke's task has been similar to the adventure we read of in the 'Arabian Nights,' of the Prince who climbed the mountain for the singing tree and golden water. He is stunned by a thousand Stentorian voices threatening resistance, and perplexed by unseen hands opposing his advances, but with high constancy and fortitude he makes good his way, and escapes the fate of those who look back when their objects are forward, that of being turned into stones. The fairy tale seems to us to have what Bacon would call some *aspersion of philosophy* in it; for if we suffer mere clamour and impalpable visionary resistances to impede our progress in

great designs, and cast back our regards, we are straight motionless stones, which serve for obstacles to the advances of others. The Duke's enterprise is now so far completed and assured as to have lost all interest of adventure, and nothing remains but gratification at the good obtained in the negation of ill, and approbation of the steady, manful spirit in which the Minister has carried his object. The opposition make no head; they are utterly routed, and scattered like chaff before the wind. Rebellion too languishes in Hyde park, and it seems very doubtful at present whether the sedition of the nation will be able to freight a coach to Windsor. Our puddle can by no means get up a storm; and if, as old Fuller says, "It is "pleasant music to hear disarmed malice threaten "when it cannot strike," never was there a sweeter concert of St Cecilia than that with which the spirits of discord are just now regailing us. It is amusing to observe how the war-note of certain performers on the trumpet of strife has declined to *piano* as the threatened occasion has been approaching. The *Morning Journal* was full of broad-swords about a fortnight ago; but now an excursion to Windsor, or secession of the people to the *Mons Sacer* of Salt hill, is the extreme measure it encourages. We must confess that the idea of the Protestant Rebellion in Hyde park greatly amuses us, and we almost regret that Mr Halcomb has no prospect of ennobling his name by this practical pleasantry. If

well supported by the nursery-maids and the children in arms, he might make a tumult which it would require more than one street-keeper to suppress.

Lord Eldon having in vain exerted all his pettifogging arts, has fled from the field—an event which Lord Holland has not failed to notice in a becoming strain.

What a consistent career has Lord Eldon's been —the ever-active Principle of Evil in our political world. In the history of the universe no man has the praise of having effected so much good for his fellow-creatures as Lord Eldon has thwarted.

SIGNS OF THE TIMES IN 1829.

A LATE number of the *Quarterly Review* contained an article on the State and Prospects of the Country, remarkable (considering its place) for the sobriety of its style, the temperance of its tone, and the fairness of a statement of very considerable compass. The *Edinburgh Review* has taken up the same subject, under the title of 'Signs of the Times,' and produced a curious rhapsody. All the force of the article lies in its diction, which, imitated from the best old English style anterior to

the age of Anne, gives a manner of strength that disguises the feebleness of the ideas. Thus in some *Plaisances* we see a quaintly ornamented Gothic building, which on closer scrutiny, proves to be a dairy, and affords, under the imposing forms of antiquity, skimmed milk, curds, and whipped syllabub.

The Reviewer discovers that mechanism is the character of the age, and that men are deplorably addicted to the study of adapting means to ends. He remarks, that "With individuals natural "strength avails little. No individual now hopes "to accomplish the poorest enterprise single-"handed, and without mechanical aids he must "make interest with some existing corporation, "and till his field with their oxen. In these days, "more emphatically than ever, 'to live, signifies to "unite with a party, to make one.'" Is it possible that the first sage of the *Edinburgh Review* can fail to perceive, in the circumstance he describes, a necessary consequence of the advances of society in numbers and civilization? As men get into masses, the influence of the individual becomes a lower fraction of the total amount of power. As the force of society capable of opposing him grows upon the individual, arises the necessity of borrowing a portion of it for the accomplishment of his purposes. The effect of civilization is numerically to increase the constituent parts of power, and as masses before inert are quickened with

intelligence, and move on to their degrees of influence, individual power undergoes a proportionate diminution of effect.

A kindred error of inadvertence lurks in the following observation:—

"It is certain that in former times the wise "men, the enlightened lovers of their kind, who "appeared generally as moralists, poets, or priests, "did, without neglecting the mechanical province, "deal chiefly with the dynamical; applying themselves chiefly to regulate, increase, and purify "the inward primary powers of man, and fancying "that herein lay the main difficulty and the best "service they could undertake. But a wide difference is manifest in our age. For the wise "men, who now appear as political philosophers, "deal exclusively with the mechanical province; "and, occupying themselves in counting up and "estimating men's motives, strive, by curious "checking and balancing, and other adjustments "of profit and loss, to guide them to their true "advantage."

When sages taught disciples, they could recommend virtue by its charms. They had docile and attentive minds to work upon, and could train them according to any mode of moral cultivation. In more modern times, too, while knowledge was confined to narrow circles, the better susceptibilities might be safely addressed; but as the range of instruction extends, and comprehends masses

which it can only slightly touch, another method becomes necessary. The multitude is not to be taught like a school. They have not leisure for a refined cultivation, and if a few principles, intelligible to plain understandings and promotive of morality, are rendered familiar to them, as much good as is commonly practicable is obtained. According to the desired dynamic system* of the Reviewer, it might be better to elevate the mind of a cobbler than to direct his vulgar propensities, and to show him how honesty tends to his profit, and good conduct to his happiness; but there is no opportunity of elevating his mind; he is out of the reach of a poetic instruction, though within the influence of maxims of political convenience.

We have repeatedly expressed our regret at the deficiency of moral instruction in the education of the industrious classes; but the moral instruction we desire to be extended to them would consist of the exposition of principles immediately applicable to the business of life. We cannot "purify" them; we cannot make poets or enthusiasts of

* By *dynamics* the Reviewer explains himself to mean a science which treats of and practically addresses the primary forces of man, the *mysterious* springs of love, fear, wonder, enthusiasm, poetry, religion.

A *science*, according to its definition, thus treating of and addressing itself to mysteries, is a science *sui generis*. Until the "springs" recited had ceased to be mysteries, mechanical men, such as men now are, would be apt to think that no science could be formed upon or adapted to them.

them, as the Reviewer would seem to propose, but by the aid of reason, their natural propensities may be turned to good account.

The writer in the *Edinburgh* may object, that his remarks were not intended to apply to the moral instruction of the multitude; but the scheme of moral instruction must always be adapted to the mass which is ultimately to be affected by it.

The Reviewer observes, that substantial objects have had small part in the great movements of the world; and, considering the effect of most of the pursuits of phantoms, is it to be lamented that a more material view of things is obtaining the force of habit?

"Cause and effect," he laments, "is almost the "only category under which we look at and work "with all nature. Our first question with regard "to any object is, not What is it? but How is it? "We are no longer instinctively driven to appre- "hend and lay to heart what is Good and Lovely, "but rather to inquire, as on-lookers, how it is "produced, whence it comes, whither it goes?"

Had Newton been a man after the Reviewer's heart, when the apple fell on his head he would have asked, not "How is it?" but "What is it?" and his understanding responding, an apple, he would have next considered the goodness of its quality, and would probably have eat it, instead of digesting the doctrine of gravitation.

When men prefer the inquiry of "How is it,"

to "What is it," we have a sign of their feeling the limits of their understandings in one direction, and the capacity of them in another. We can but trace and analyse; and when we have discerned connexions or made separations, and reduced things to their simplicities, there is an end of our knowledge.

Through twenty pages the Reviewer runs over precisely those topics of lamentation which a Tory writer would, in the same strain of sentimental rhetoric, have delighted to bewail. But at his last page but one, he, or the Editor for him, thinks it necessary to season the matter with some commonplaces of liberality, which are conveyed in two lines of comfort, touching the advantage of opening the eyes of the humblest by knowledge and education. The consistent writer composes an article in condemnation of the character of the prevailing knowledge and education, and rejoices that the people are obtaining a larger share of them!

He winds up all with the favourite commonplace:—

"To reform a world, to reform a nation, no-wise "man will undertake; and all but foolish men "know that the only solid, though a far slower re-"formation, *is what each begins and perfects on "himself.*"

The reformation of each on himself is indeed so very slow as to be unachievable. It is the best of all reformations, subject to the one objection only

of impracticability. Common distrust perpetuates common improbity. A man might reform himself, if he were assured that his right and left neighbour were self-reforming also; but his argument is, "Why should I renounce advantages which others "will take of me? Why should I refuse the "bribe, and suffer the persecution of power, while "the corrupt flourish, profit by my forbearance, "and scoff at my scruples?" The same cause which makes men, brave individually, fly in mobs, makes even the well-disposed rogues of custom, in the world. Hazards and sacrifices must be mutual, or rare indeed is the virtue to undergo them.

An anecdote may illustrate the position. The monkeys in Exeter 'Change used to be confined in a line of narrow cages, each of which had a pan in the centre of its front for the tenant's food. Chancing to be present one evening at supper-time, we observed that, when all the monkeys were supplied with their messes, scarcely any one of them ate out of his own pan. Each thrust his arm through the bars, and robbed his right or left hand neighbour. Half what was so seized was spilt and lost in the conveyance, and while one monkey was so unprofitably engaged in plundering, his own pan was exposed to similar depredation. The mingled knavery and absurdity was shockingly human. Had a Monkey Reviewer, however, admonished the tribe of the aggregate of loss to the simial stomach, and beseeched them to commence the re-

form of honesty each on himself, what monkey would have had sufficient reliance on his neighbour's virtue to commence the virtue of forbearance? Placing the cages more apart seemed the more rational scheme of reform.*

THE POLIGNAC MINISTRY.

[The *Examiner* was one of the very few English journals which were hostile to the Polignac Ministry upon its first accession; but the writer was mistaken in supposing that the Devil of Charles X could be painted blacker than his complexion would prove, or that expectation of mischief could be raised which would exceed the performance of Carlist man.]

THE Press is just now in its glory, throwing off columns about Russia and Turkey, the eagle and the crescent, descanting on the destiny of the East, the views of the North, and also busy in deciding on the affairs of France.

* This story has been since copied into Northcote's collection of fables—it was, however, no fable. The writer of the *Examiner* saw the scene precisely as he has described it.

There seems to be this peculiarity about the new French Ministry, that those who know least of it approve it most. The London Journals, with a few exceptions, have been in raptures with it, while the French are hurling upon it a storm of the bitterest displeasure. In this tempest, with its flashes of wit, its thunders of declamation, and peltings of sarcasm, there is an imposing display of power, but the violence augurs an early exhaustion, and however the Ministry acts, its acts will appear to advantage after the terrible prelude which has been performed for them by all the instruments of the Press. The misfortune of drawing portraits of the Devil is this, that when he appears, the first reflection is, that he is "not so black as he is painted," and the next judgment is, that he is as fair as an angel. Opinion seldom settles in the extremes of error, but after disappointments of any kind it is apt to range to them, and many vibrations from truth precede its final repose in the just centre. The Liberals doubtless have reasonable cause for their dissatisfaction with the new Ministry, and all that we question is, the policy of raising the expectation of its demerits beyond the capacity of Royalist man for ill-performance. The French Journals have a greater power of describing mischief than any existing men have of accomplishing it, and their mountains in satanic labour will teem with mice;—mice are nibbling, troublesome little creatures, but we

assail them not with the fire and fury of tempests, but leave them to cats and traps.

Why the Ministry should be found good in the eyes of the English Whigs and Radicals, is more strange than that it should be overcharged with ill in the representations of the French liberaux. Our neighbours indeed style it a Tory Ministry, and because the Duke of Wellington's originally Tory Ministry has worked better than could have been expected for us, it is supposed that Tory Ministers, all over the world, must have a similar operation. Joe Miller's French Travelling Doctor having seen an instance in which an Englishman, ill of a fever, ate a red herring and recovered, noted in his tablets that a red herring cured an Englishman of a fever; and, profiting by this experience, having prescribed the same remedy to a Frenchman, and observed that he died, he made a second note, that though a red herring cured an Englishman of a fever, it killed a Frenchman. Now a Tory Ministry cured our State of bigotry, but it may happen to kill the liberality of France. We cannot, also, but give our neighbours credit for knowing more of their own affairs than we do; and the common sentiment of the intelligent on the other side of the water seems decidedly inimical to the new Administration. There is as much of truth as of homeliness in the vulgar saying, that "he who wears the shoe best understands where it pinches."

The *Standard* quotes a pleasant squib upon the thunder-and-lightning tirades against the Ministry, and we marvel that "the grief so lively shown" did not make our contemporary think upon his own frightful fears of the Pope. We extract a part of the *jeu d'esprit*, which appears rather unluckily in a Protestant Print that has hardly yet dried its tears, or discontinued wringing its hands, rending its garments, gnashing its really potent teeth, and scattering ashes on its good head.

"O dear! O dear! what a misfortune, what a "calamity! Madame Bonin, Madame Bonin, "don't think of buying the melon .... What will "become of us! Angelique, you need not fetch "the hackney-coach, it will be useless..... Alas "for the public liberties! Madame Bonin, take "the turkey off the spit ..... No more liberal "policy! Where are we going, where will they "drag us? O! the aristocracy—the counter-"revolution—the categorists—the Jesuits—the "Capuchins.—Madame Bonin, Madame Bonin, "it is enough to drive one distracted.

"These cries and lamentations proceeded from "an entresol over the shop of M. Bonin, an honest "and respectable hosier, at the sign of Good "Faith, established nearly two hundred years, "in the quartier St Eustache. M. Bonin was "pacing his room with his cap in one hand and "the *Journal des Debats* in the other; his grey "hairs stood on end as if he were under the

"influence of electricity; his features were dis-
"torted; the fatal journal trembled in his
"hand; his cravat, loosened by the depth of
"his emotion, hung over his breast, and his
"grey hose had fallen over his slippers. While
"he was in this state of moral and physical dis-
"organization, Madame Bonin, alarmed by his
"cries, rushed into the apartment, followed by
"Mademoiselle Cecile Bonin, who in her filial
"affection re-echoed the lamentations of her father,
"which were again repeated with increased shrill-
"ness by Master Adolphe Bonin, who wept
"pitiously; thus completing the family picture.

"M. Bonin, before he fell senseless to the floor,
"had just summoned strength to show the fatal
"journal to his consort; every one thought that it
"contained some ordinance forbidding the use of
"stockings, and the surprise was general when
"they discovered that it was only a change of
"Ministers. 'You must be aware,' said M.
"Bonin to his wife, 'that the public grief an-
"nounced by the *Journal des Debats* will prevent
"us from going on the party of pleasure to the
"country, as we had proposed. To think of going
"to a fête when all is over with the nation, would
"be horrible; besides, according to the Journal,
"there can be no fête at all; the places of amuse-
"ment will be closed; the people are plunged
"in sorrow; how can they dream of dancing and
"singing, feasting and amusement, when the

"'*Journal des Debats* is in affliction?'—'But "father,' said Cecile timidly, 'it is so fine to-day; "how very distressing that the Ministry shoud "be changed during such delightful weather.'.... "'Silence, you foolish girl; weep with me over "the wretchedness of France, over the dismal "future; you know what threatens us!'"

And in this strain it goes on till M. Bonin is carried to the *fête*, where he finds that the world is not at an end, even though the Ministry is changed. Surely, surely, we have had some parallels to this misapprehension. Has the *Standard* forgotten that it is printed and published in a State without a Constitution—has not the Protestant linch-pin been withdrawn from our wheel of fortune—are we not upset as a nation, and wallowing and floundering at odds and ends in the mire and slough, the sink and abomination, the quicksands and treacherous hollows of Popery? Is not England's sun set for ever?—do we not read and write by rushlights? Have we a stitch of Protestantism left to cover the nakedness of the Constitution—stark piteous corpse that it is, dead and gone, and waked Hibernicè as thus:—"Why did you die, honey, why did you die? had you not abundance of Orangemen, and Parsons in plenty?"

But such is the way of the world. A Constitution, the best, the dearest, the most precious love the world ever saw, is foully murdered one

fine Session, and six months afterwards we have forgotten our occasion for sorrow, and are actually laughing and giggling away at our neighbour's apprehension of a like calamity!

"He has no children," says *Macduff*, on learning *Macbeth's* murder of his babes; but the *Standard*, who has had and lost a pet Constitution, ought really to entertain more sympathy with people who have set their affections on a similar blessing, and who tremble for its safety with all the nervousness of anxious affection.

How differently our truly Protestant King comports himself under his loss. We speak it as a matter of history, that he has never been seen to smile since the Duke of Wellington, with brutal force, thrust the Emancipation Bill down his royal throat; and it will be written in our beloved Monarch's life, that, under the pretext of fishing, he daily goes to weep in the Virginia water,—a sheet, indeed, which it is known he has increased to its present handsome size by his pious tears; and where he floods away his sorrows in private, in a marquee, and with a Marchioness, without fear of being snubbed for his religious sensibility by the savage Prime Minister.

REPRESENTATION.

[The question of pledges, or of the extent to which the representative should be governed by the opinions of his constituents, was anticipated in the following paper. The doctrine may appear to be pushed too far against the interference of the people, and it certainly wanted qualifications, which were supplied in subsequent papers, when the subject acquired a practical interest from the working of the Reform Bill. The whole question turns upon the duration of the legislative trust. Pledges are the natural offspring of long Parliaments.

The writer must add that the positions respecting the deficiencies of the many in political knowledge are too broadly stated. In the main, however, he adheres to the opinions held, and has since found himself supported in them by the authority of Mr Bailey, in his treatise on Representation. In that admirably reasoned work, the pith of the question is thus penetrated:—"If you, the constituents, will not trust the business of examination to the supreme assembly, do it avowedly yourselves, and let that assembly meet merely to enact or register what you have decided upon; but if you devolve the task of examination upon a deliberative body, do not commit the absurdity

" of determining for it the result to which it must " come."]

In a paper entitled 'The Address of the London Radical Reform Association to the People of the United Kingdom,' we observe a proposition, the unsoundness of which will be manifest on better consideration. It is affirmed that the House of Commons "should politically show forth the body of the nation, and be *the echo of its sentiments*—in fine, it should think and act with the people," &c.

In our opinion, this is a misconception of the object to be desired. We hold that the House of Commons should be responsible to the people, but not that it should be subject to their dictation. There is a wide difference between the capacity for the direction of counsels, and that for the ultimate judgment on their wisdom and honesty. Men who are sufficiently competent to choose their attorneys do not imagine themselves qualified to interfere in the management of the suit, but they are able enough to form an opinion of the skill and integrity of the lawyer in the conduct of the business. Thus too it should be with regard to the Representative entrusted with a charge, the just performance of which requires a study and knowledge of which the many are of necessity incapable, and which are only to be estimated by them in results. To say that a reformed House of Commons should merely echo the sentiments of the people, is to say that the elect few shall not be

more wise in the management of public affairs than the million in their careless or crude opinions of them. It would be a great hardship if the Constitution subjected us to physicians empowered to prescribe for us and take fees at pleasure; but because it were reasonable and right to let men choose their own medical advisers, it would not be wise to hold the people all-accomplished in therapeutics, and to affirm that the Doctor's prescription should be the transcript of the patient's notions. The people are the patients, and they may judge of the skill of the treatment from the effects experienced, though unqualified to dictate the remedies. In the most prudent of all services (the maritime) when a pilot is called on board a ship, its entire charge devolves on him, and he is trusted till he has discovered himself to be incompetent. So we would have it with the delegates of the people's power. We desire to increase their responsibility, and to subject them to dismissal for misconduct; but we would resist nonsensical clap-traps, encouraging the people to suppose in themselves a capacity for guiding their guides. Such propositions are most prejudicial to our cause, and are greedily laid hold of by its enemies, as directly leading to conclusions of palpable absurdity. It is plain that the governing power should be wiser than the governed; and if we require the governing power to think exactly with the people, to be the passive echo of their sentiments, we exclude the better wisdom and

knowledge. Devoted as we are, and ever have been, to the popular cause, we renounce, as most pernicious, popular flattery. The strength of the intelligent reformer's argument dispenses with delusion of any sort, if integrity would permit its use. As the hour of improvement evidently approaches, views should be sobered and matured, so as to bear the soundings of common-sense, and the test of reference to practical convenience.

A contemporary (the *Chronicle*) makes the following remarks on the influences :—

" We have more than once stated, that the best " mode of destroying the influence of the high " Aristocracy is to raise the qualification. In " England, a nobleman or great land-owner, who " possesses a winning address, is all-powerful with " the *Proletaires*, who have a slavish worship of " rank; while, on the contrary, by coming con- " stantly in collision with the middle classes, they " are jealous of and dislike them. We remember " Lord Redesdale instancing the speech of a poor " man, as characteristic of the lower orders, who " observed, boastingly, on looking at a Sessions " Bench, in Yorkshire, ' Why, Sir, there are " 200,000*l.* a-year on that Bench.' These de- " grading and slavish feelings of the lower orders " are the result of the mode in which property is " distributed in this country. But if the slavish " worship of property exists, with a corresponding " jealousy of the middle classes, no ballot would

"destroy the preponderance of the Aristocracy. "To raise the qualification would give more influ- "ence to property in the mass, by vesting with "power a class not only possessed of nearly all the "energy and talents in the country, but often "jealous of the higher ranks, from inability to "equal them in those superficial accomplishments "which, however worthless, produce so marked an "impression on the mob."

In this view we cannot concur. Our own observation has led us to the contrary conclusion, that the smaller gentry are for the most part sycophantically subservient to the great. They do not make their stand upon their own titles to consideration (either belonging to wealth or moral worth), but rely for consequence on the mere countenance of the class above them. Tho common ambition of the English gentry, and superior trading men, is to be known and noticed by persons of a rank above their own. For this pitiful object there are thousands ready to waive their independence. It is, indeed, an especial misfortune of England, that the *New Rich* do not conceive the high point of pride of constituting in themselves a new power; but, on the contrary, are content to seek consequence by swimming in shoals, in the wake of the Aristocracy, and rejoice in the poor crums of courtesy which are cast to them, sometimes for policy, and sometimes for the sport of exposing their active littleness in the gambols of sycophancy.

The two idolatries which corrupt us morally and politically, in all ranks between luxury and labour, are Mammon-Worship and Fashion-Worship. These *cults* are generally to be found in the same house; the man of business sets up a temple to Riches in his own breast; and his wife, his daughters, his sons, prostrate to Fashion, and compel his conformity, though the pride of Mammon, which is great, should resist the propitiatory sacrifices to the other idol.

We remember to have heard an experienced party politician number Lady Castlereagh's influence at Almack's, and the fashion of her suppers after the Opera, among the Parliamentary powers of her husband the Minister. Opposition was marked as unfashionable by these tests of ton, and men's wives, sons, and daughters, became active missionaries of the Ministry, and perpetual exhorters to a new birth unto Toryism. Almost every Liberal Member's family was against his politics, and the waverers gave way. In the inferior classes the same folly is observable in other instances. The grand society of a neighbourhood must be had at any price. Countenance and civil speech alone, indeed, are mighty things, witness certain of the radical Common Councilmen of the City, who have become hotly ministerial by virtue of discourse with the Duke of Wellington on the subject of the new bridge. Some of these worthies, to whom the Duke has affably said, "Good morning," are

now surprised that they ever found anything amiss in his politics!

The *Chronicle* is correct in its remark, that grudges of jealousy are consequent on the contact between the higher and the middle classes; but while sycophancy has sway, while the countenance of rank is esteemed necessary to social station, these feelings of ill-will must be refused manifestation. Many subject themselves to the Aristocracy for the reasons adduced, while they hate or despise them in their hearts for their folly, their insolence, or their vice. In the balloting-box these men would secretly express judgments, which, in the diseased habits of society, they dare not openly discover. In any view, we beg the *Chronicle* to observe, that the ballot cannot be mischievous. It must be a shield of impenetrable strength to the timid; a baulk of insurmountable discouragement to the corrupter; and in no case can it be injurious to the public interests. Its effect is indeed to neutralize to the utmost the two great vices which at present sway Parliamentary returns. The objection may be made that it will, by our shewing, tend to treachery, for the man, who from bribery or fear has been induced to promise to vote one way, will indulge his secret preference, and covertly vote for the other interest; but supposing the probability of such conduct, we reply, that treachery to the public is an evil of greater magnitude than treachery to the individual, and the elector who votes for a can-

didate according to his landlord's or patron's dictation, against his conviction of the candidate's fitness, commits a more serious breach of duty than in violating an engagement, intrinsically illicit, with an individual. To break the faith in these contracts is but dissolving the *fœdus latronum.*

The excessive reverence for property, which the *Chronicle* attributes to the lower orders, is not to be denied; but we believe they do but share in a common sentiment from which none of us are entirely free. We all, Liberals and Serviles, Philosophers and Sentimentalists, are touched in some degree by this prevalent taint in the moral atmosphere. The best is he who is least affected by it. And when we examine the foible, it is one which under other forms has been cultivated by the arts, and by the imagination. What is property but power? Carry back the Yorkshire buckskinned 'Squires of the *Chronicle's* instance a few ages, and you have "the bold Barons," admirable in poetry, Waverley novels, and paintings, with their castles of strength, their steel-clad knights, and men-at-arms. Power in this form was picturesque; and power kept at a banker's shop has none of the show of martial array; but the power is the substantial matter at the root of admiration in either instance. On the other hand, a disposition to despise weakness seems to be a law of nature, which humanity prevails against with effort, by urging the sympathies, and stimulating them by the imagination. If

one animal meets with misfortune, the others of his kind fall upon and destroy him. In the 'Library of Entertaining Knowledge,' this characteristic circumstance is noted:—

"In the kennels of fox-hounds the following "barbarous custom of the dogs towards one another "has been sometimes observed. If a hound gets "down *of his own accord* from the bench on which "he is lying, no notice of it is taken by the others. "But if a hapless hound fall off the bench *from* "*awkwardness*, his companions fly at him, and "bite him to death."

Marmontel describes a practice of men strikingly similar to that of the hounds; for, says he, "All "things are crimes in the unfortunate, and we treat "a fallen man as mothers do fallen children, "namely, chastise them for the mishap."

Humanity just prevails against such barbarous dispositions, but it amply evinces the tendencies which it glories to conquer. We hear moral philosophers speaking contemptuously of men because of physical inferiorities; and the severest declaimers against Mammon-worship will have their fling of contempt at "a poor devil not worth a halfpenny." Thus power will have its respect; weakness its scorn. The lower orders share in both foibles, but, we think, not in the measure or according to the laws supposed by the *Chronicle*. They respect the greater power nearer to them more than the greatest remote. To the labourer,

the wealthy publican, butcher, or baker, is a more immediately enviable and therefore a more considerable person than the Dukes of Devonshire and Northumberland. In a word, they are not very nice judges of proportions. To a man who earns forty or fifty pounds a-year, the distinctions between thousands and tens of thousands are lost."

THE PARLIAMENTARY SLAVE-TRADE OF 1829.

[The Duke of Newcastle had ejected tenants at Newark, who voted contrary to his pleasure, and his Grace, in defence of the persecution, asserted his right to do as he pleased with his own.]

"PRIVATE Vices," says Mandeville, "are often Public Benefits," and greatly we are mistaken if the Duke of Newcastle does not prove a benefactor to society, though by a course of conduct apparently the most foreign to such a character. The demonstration he is now furnishing is precisely what the time required. By a practical stroke he awakens the public mind to a perception of the blacker vices consequent on the Boroughmongering System. All have long been familiar with its dishonesty,

but his Grace has signalized its malignity. He has rendered up in himself a warning example of what the jobbers in political rights may be capable. He has exposed the coercion and cruelty of the Parliamentary Slave-trade. History has its instances of heroic devotion to patriotism, but none of a man thus giving himself to the gibbet for the illustration of crime. The incident adds a new page to the 'Newgate Calendar,' wherein should be recorded those disgraces snatched beyond punishments of law. But the action of such cost to himself is of inestimable service to society, for it would suggest to incaution itself a lesson of prudence. A better man than the Duke of Newcastle could not have afforded the example. The average goodness of his character makes for our point. It illustrates the maxim, that we cannot touch pitch without defilement; it shows how corruption corrupts the corrupter, and when thwarted, turns an ordinary aristocratical nature to the cruellest oppression.

Seriously, we are persuaded that the Duke of Newcastle has performed his part in entire unconsciousness of its true quality. He is a fanatic, and the motives of fanatics, however mischievous in effects to others, are satisfactory to themselves. With the most benevolent intentions, men have roasted their fellow-creatures at the stake; and under similar delusions, they may visit with vengeance the supposed heresies of political opi-

nion. As the Duke of Newcastle was sufficiently visionary to believe the maintenance of certain principles essential to the existence of the state, he may also be mistaken enough to suppose the refusal to support those principles an offence against the interests of society, warranting such punishments as he has the power of inflicting. To estimate fairly the conduct of the Duke, we must not survey it through the medium of our own opinions. If a Whig nobleman had ejected his tenants for voting for a base tool of the Treasury or stupid enemy of improvement, in defiance of his exhortations to support an able and liberal candidate, we fear most Liberals would feel disposed to consider the proceeding, if not with approbation, at least with indulgence. Honest men of all ways of thinking suppose themselves to be right, and are apt to rate their objects as of vital importance, while they are too much in the habit of overlooking the probability, that those who differ from them may be equally positive and earnest though in error. Hence we sometimes are inclined to punish as knaves men who are only fools; and again, our adversaries of the Newcastle order would persecute as rogues, individuals who had given proof of virtue by acting at all risks according to the dictates of conscience. These are circumstances which we do not see considered. The Duke of Newcastle, belonging to a narrow and despised faction, stands forth in the character of

an oppressor,—a character which it is the especial virtue of Englishmen, when their prejudices are unconcerned, to regard with profound abhorrence; but we aver, that the motive which actuates the Duke of Newcastle would actuate many other men to a similar proceeding, and consequently, that in private habits we shall find no sufficiently general security against the abuse of power in question. The rarity is the rebellion of the tenant, not the temper to punish it. The common case is obedience to oppression, instead of resistance. Public opinion is only called forth by the grand occasions of persecution; it does not act on the silent and systematic operation of terror; and in the very case before us, we see that it is not of force to restrain an excess of tyranny besotted with stupidity, and esteeming its devious reel the course of rectitude. Able animadversions on the conduct of the Duke of Newcastle have been put forth; but as prevention is better than complaint, why is the simple and certain expedient for ending the mischief in all its forms and degrees neglected? By the ballot, and the ballot only, can bribery and intimidation be baffled. And if the Newark example enforces this remedy, it will be productive of an inestimable political advantage.

The view we have taken of the Duke of Newcastle's motives is more favourable than that which might be warranted by his letter to the Chairman of the Newark meeting.

When a ruffian in the highway maltreats his cattle, he pleads against interference the right over his property; he swaggers of "doing as he pleases with his own beast:" when a savage creditor commits his debtor to a jail, he answers all appeals to humanity by asserting the legality of his proceedings. Precisely of such a character are the remarks of the Most Noble Duke of Newcastle. With a rebuked coster-monger's eloquence he asks, in substance, the question of Mathews's *Jonathan in England*, "Is this a land of liberty, where a man can't larrop his own nigger?"

"Is it presumed, that I am not to do what I "will with my own? or that I am to surrender my "property, and the inherent rights belonging to "it, into the hands of those who desire to deprive "me of it? This is the simple question; to which "I answer, whilst the laws of England exist and are "respected, I shall permit no clamour, nor threats, "nor even force itself, to deter me from doing as I "may think fit with my own property."

If this be the morality of the High Church Party, it is indeed execrable. And this nobleman, who makes his stand so coarsely and vulgarly on his naked right, is exercising it to the injury of those who have but claimed the same privilege for themselves. Substitute *franchise* for *property*, and there is the elector's plea instead of the landlord's vindication. How then squares his Grace's conduct with the divine rule, *Do as you would be*

done by?—a maxim indeed worthy the invention of Heaven, as it is justly regulative of every action of man, from the highest sphere to the humblest station. His Grace may, however, overlook the consideration to which we have referred; he may hold the province of his power exclusive of the laws of morality; but the disgust of society will penetrate the solitary, the unnatural jurisdiction of self-will. Antecedent to the remarks quoted, the Duke attempts a play on words similar to one invented by Mr Canning:—

"If I rightly understand the object of the "requisitionists, it is to assert the cause of freedom "and independence. No man on earth values "both more than I do. But as I respect the liberty "of others, so must I demand that others shall not "attempt to interfere with that freedom and inde-"pendence which is my right as well as theirs."

The question which the Duke does not find it convenient to meet is, whether he is not using his rights for the injury of others, whose only offence has been the free exercise of their privileges. His Grace must not think to escape under such pitiful verbal subterfuges, worthy only of a quibbling pettifogger. The Newark elector asserted his independence of action, and for that the landlord uses his right of property as a means of punishment. Where is the first disturbance of liberty in this case?—in the man who vindictively turns one right against another, or in those who call him to moral account for his malignant proceeding?

Though we have thus far considered the matter on personal grounds, we again repeat that it should not be treated as an affair entirely personal, beginning and ending with the Duke of Newcastle. Others act upon a like system of intimidation, but, from the very success, escape publicity; and many, when their passions are once moved, would defy opinion, and proceed to the same excesses as this Duke, who is not worse than others of his order, but debauched with power, and irritated in his cups. His motives, as we have before observed, are in all probability satisfactory to himself, the creature, as he is, of delusions; but then it becomes doubly prudent to remove from weak men the means of committing great mischiefs with the best intentions, according to their own peculiar ideas of right.

Against the practice of such oppression as that under discussion, there is no sure expedient but THE BALLOT.

MR O'CONNELL IN PARLIAMENT.

We question whether any man ever entered the House of Commons under circumstances so stimulating as those which bear upon Mr O'Connell's coming Parliamentary career. All things encourage him to the pursuit of the worthiest fame,

and he appears to have no choice between assuming the championship of the rights of the people, or sinking to the condition of an absolute cypher. He takes his place in the House at a most lucky conjuncture. He is too considerable in self-esteem to fall into the narrow niche open to a party man, were party ready to receive him; but the invitation is as improbable as the disposition to accept of it. The old ranks are all in disorder, and re-organization must precede even the idea of recruiting. The vast majority of men scarcely know their own places in the House, and would hardly bid for the Agitator's alliance while unable to define the common basis of operation. Party, however, may be botched up again, but Parliamentary party is expressly renounced by Mr O'Connell, and it is as much beside his ambition as it is strongly renounced in his manifestos of intention. The ship which would make a rapid voyage sails not in convoy, but alone; and the public man who desires the attainment of great objects will not now clog his course with any confederacies, or back and fill and trim his sails according to the fancy of a Commodore with a broom at his mast-head.

Mr O'Connell will enter the House of Commons amidst the wreck of reputations, which in other times would have stood in his way, cheating the people, as they once did, with a vain reliance. The bubbles have burst. The Patriotic Improvement

Companies have shared the fate of other trading delusions, and their directors stand detected and discredited. We have seen the readiness with which certain of the professed popular leaders have trained off into the very rear of Government, and turned their arms against objects they were pledged to support. It is time that these men should be displaced, and in excellent season does Mr O'Connell come to wrest positions from them which they only betray.

Between this period and the time of proof—the Session—some consolation will doubtless be derived from the maxim of the lamented Mr Canning—that great demagogues shrink into marvellously little men in the House of Commons—a saying which, with reference to his personal experience, had certainly more of truth in it than most of the epigrams of the utterer. But the Honourable Gentlemen will find, that if Mr O'Connell pursues the course he has professed the intention to follow, he will be borne up by a power of sympathy, opinion, and co-operation *out of doors*, such as never yet, in the history of this country, stimulated and strengthened the exertions of a public man. A new era is commencing for the unreformed Parliament, whose once loudest defenders are now converted into its assailants, and which, almost unfriended, will have to bear a brunt of odium and attack unparalleled, and we believe finally irresistible. Thus beleaguered from without, it will

scarcely require a Sampson within to make the House tremble to its foundations.

From Mr O'Connell the world will look for great things, and the expectation will, we are confident, serve to work the reality. There are many parts of his past conduct which have struck us as offensive in point of public morality, and to which we have expressed our objections in sufficiently distinct terms; but the motives to such errors have, we believe, now passed away. Deviations from justness of representation, to serve the purpose of the instant with a mob, are the faults to which we chiefly refer, and Mr O'Connell will not fail to perceive, that in the House of Commons the most inflexible adherence to truth, and unsparing promulgation of it, will constitute his most powerful system of operation. The House of Commons is a mob as apt for falsehood as any other; but Mr O'Connell's business will be, not to act primarily upon the House, but to reach it through his impression on the country. He will therefore see the fitness of dismissing his Catholic Association tactics, which were occasionally of a crookedness more suited to his means than worthy of his objects.

MR O'CONNELL AND THE FRENCH LIBERALS.

Two or three months ago, in an article of hope on Mr O'Connell's Parliamentary career, we adverted to his past practices of misrepresentation, with the design of showing that his future conduct was not likely to be blemished by the use of such arts. The Catholic Association was a hot-house for the passions of Ireland, and exaggeration its growth; in its atmosphere Mr O'Connell's fancy was guided only by the whim or object of the instant, but with the removal of his politics to another and a cooler arena, we looked for another method of conduct. We made allowances for temptation; the seductions of opportunity, and a credulous, excited audience; and we calculated on the manifestation of a more scrupulous morality with the improved circumstances for its exercise.

After these few words of preface, we may simply say, that we have read Mr O'Connell's attack on the Liberals of France, and our feelings may be readily imagined.

It is our purpose to treat this matter as drily as we may; and, in truth, citation will almost dispense with criticism.

Mr O'Connell thus opens the charge, with profession of his own great love for liberty—"I am a man of humanity," says the American Slave-owner in the farce, when about to insist on a barbarity:—

"I am a most sincere and active friend of civil "liberty in every clime and country, and for every "sect, caste, and colour—but it is false, utterly "false, that I am a Liberal."

Now comes the accusation. It is known to most persons that Liberality in France is as large a term of description as in England, comprehending extremes of moderation and intemperance, views of philosophical benevolence, and visions of frenzy. All are, however, thus massed and stamped with obloquy by Mr O'Connell:—

"The Liberals are a party in France—a party "which once called themselves Jacobins, and have "now (for times are changed) softened their deno-"mination into the more seducing cognomen of "Liberals. I know that party well—they are not "friends to liberty—they have crouched already "beneath the iron hoof of military despotism. "They are quite ready to crouch again before the "throne of the first gilded military adventurer who "will join with them in their one great passion—"their hatred of Christianity. I know the Liberal "party well—they do not desire any other liberty "save that of crushing religion, and once again

"embruing their hands in the blood of the "clergy."

It is a gross misrepresentation to identify the Liberals with the Bonapartists. The Bonapartists have been a small and rapidly declining minority of the great party of the French nation. But Mr O'Connell refutes himself, for he describes the Liberals as at once Jacobins and Bonapartists, and every one of ordinary information is aware that the Jacobins were hostile to Napoleon. "The Li- "berals," says Mr O'Connell, "do not desire any "liberty save that of crushing religion, and once "again imbruing their hands in the blood of the "Clergy." He adds, not without reason, "*These "are serious charges, but are they not borne out "by the evidence of facts?*"

And what follows to support the sweeping accusation?—even the following story:—

"One of the newspapers most supported by the "French Liberals, did the other day descant on "the discovery which has enabled pictures to be "preserved, although the substance on which they "were originally painted had been destroyed; and "it continued thus, 'so that by these means, this "really immortal painting (speaking of a parti- "cular picture) is certain of living through all "ages of man, and of *surviving Christianity "itself!*'"

So then, because *a* journalist was of opinion that

a painting would survive the Christian faith, *all* Liberals desire nothing else than to embrue their hands in the blood of the Clergy. Such is the logic of calumny.

"Yes, these are the genuine sentiments of the "French Liberals. Their attacks on the Catholic "clergy of France are incessant; ninety-nine out of "one hundred of these attacks are gross calumnies, "devoid of any foundation of fact. The falsehood "is detected and exposed. What of that? The "Liberal journal never retracts. His only apo-"logy is a fresh lie—a new calumny; his only "contrition an infidel sneer.

"Recollect that the precursors of the Liberals, "the Jacobins of 1792, incarcerated as many "Catholic priests and bishops as they could lay "hold of; and on the ever memorable 2nd and "3rd of September 1792, they broke into the "prisons, and massacred in cold blood eight or "twelve bishops and upwards of three hundred "priests. Souls of the martyred clergy of France! "it is not profane to swear in your names "eternal opposition, hatred, and contempt towards "those false friends of liberty, whether they call "themselves Liberals or Jacobins, who claim for "themselves the licence of infidelity and immo-"rality, whilst they at the point of the bayonet, "and with the assassin's dagger, refuse their fellow "men the privilege of believing in divine revela-

" tion, and keeping the commandments of God and " the observances of his church."

The inference from the past offences of the Jacobins to the present character of the Liberals is utterly unwarrantable. Was it not by this equally unreasonable and uncharitable method of arguing that the Catholic claims were resisted? Was not every crime of the Catholics raked out of history as evidence of their present character and objects? and are these foul practices now turned, by one who has had experience of their malignity, against the champions of freedom in France?

He continues—

" It is not only as an humble though sincere " advocate of divine truth, but as a devoted and " enthusiastic admirer of civil liberty, that I war " with 'the Liberals.' Alas, they have been the " most bitter enemies of civil liberty—I pass over " the story of blood, anarchy, and military des- " potism, called the French Revolution. Look to " the Spanish Cortes, and read their history truly. " You will there find that the young hope of free- " dom was blasted in Spain by the Spanish Li- " berals, who, forsooth, took religion into their " keeping, and commenced by the subversion of " the Catholic Church. So in Portugal the " Liberals lost the support of the people, " and deserved to lose it, because they too " assailed the rock of ages, and sought to legis-

"late for, or rather against, the faith of the "Portuguese."

We thus see that the pledged Radical Reformer of England is the bitter enemy of the Liberals of France, Spain, and Portugal, and by consequence, the ally of the besotted Priest-ridden Ultras of the first country, of the beloved Ferdinand in the second, and the Miguel (the name suffers no epithet) in the third.

Further, he observes—

"If the Liberals of France, for example, were "honestly disposed to human freedom, would they "not admit this truth, that a man has as good a "right to be a Jesuit as a Deist—that he has as "good a right to be a Capuchin as an Atheist— "that, in short, human laws should not interfere "with opinions, but with actions—that crimes, not "creeds, should be the subjects of all human "tribunals?

"The French Liberals are ready to allow "Atheism and Deism, and every vice and error, "whether ending in ism or otherwise; but they "hunt down with blood-hound cry all the practices "of piety, all the decencies and solemnities of "worship, and all the faith and doctrines of "revealed religion."

False, false—utterly false. The Liberals of France do not proscribe religion; they merely require that its Priests shall not war with the hap-

piness of society. They would bound interference not tyrannize over conscience. The Liberals say to the Priests, "Keep to your churches and "chapels, to your missals and breviaries, your reli- "gious duties and exercises, and do not invade the "theatre and the green, or meddle with the inno- "cent enjoyments of the people."

The intolerance of infidelity would be just as bad as any other form of intolerance, perhaps worse; but on the part of the French Liberals we deny, for the most part, the infidelity, and, *in toto*, the intolerance alleged to accompany it.

Summing up, Mr O'Connell exclaims—

"I a Liberal!—No. I despise the French Li- "berals—I consider them the enemies, not only of "religion, but of liberty; and I am thoroughly "convinced that religion is the only secure basis "of human freedom."

Mr O'Connell, in conclusion, declares himself a Benthamite.

When a certain Bishop, taken prisoner in battle, was demanded of the conqueror by the Pope, the Prince sent the armour of the captive churchman to his Holiness with this pithy question, "Are these the garments of thy son?"

To Mr Bentham we would say, "Are these the opinions of thy disciple?"

We beg Mr O'Connell to observe that all the charges which he prefers against the French Li-

berals are urged by the retainers of corruption against the English Radicals, amongst whom he numbers himself.

We cannot conclude without imploring Mr O'Connell to extend his information, and to restrain his proneness to severe representations, for a perseverance in misstatement must carry with it a discredit, striking at the root of his utility as a public man.

MR PEEL.

[This sketch of Mr Peel was written shortly after the passing of the Catholic Relief Bill, when the Liberals were disposed to take the most indulgent view of the object of the bitterest hostility of the Tories.]

THERE have been Ministers of this country more intensely hated than Mr Peel, and others more heartily despised, but we question whether there has ever been one who has commanded so slender a share of sympathy in comparison with the proportion of antipathy he has provoked. In the political world, Mr Peel is to be resembled to that unhappy creation in the natural kingdom the Fly-

ing Fish, whose double capacity subjects it to double enemies, and whose changes of element are but changes of persecution. He has his good points and tendencies, urge his apologists, and we do not deny them; but we will frankly confess our suspicion, that those partial good points are even causes of the peculiar *acharnement* we feel towards him, for they are sufficient to constitute provoking inconsistencies, and make the man one DISAPPOINTMENT.

Bacon quotes the Mosaic law on leprosy—

"If the whiteness have overspread the flesh, the "patient may pass abroad for clean; but if there "be any whole flesh remaining, he is to be shut "up for unclean:" and he observes, that upon this text the Rabbins noted a position of moral philosophy, "That men abandoned to vice do not so "much corrupt manners as those that are half good "and half evil."

Mr Peel is of such motley moral complexion, and but for Catholic Emancipation, it would have enabled him to be a subtle contriver and dangerous man. Catholic Emancipation has detached from him that faction which was his support in his worse tendencies, but nevertheless he will not make his rally on the opposite principles, though, on the aid or forbearance of their advocates, real or professed, he must depend for his political existence. He still continues his ancient practices of paltering, and doing a little good here, and a little mischief

there, now patching up a petty reform, and now bolstering a vast tottering abuse. Whether from the force of habit or an idle intention, he perseveres in shuffling and tricking, like Jonathan Wild, when no object is to be attained by it, for we firmly believe that the Tories are too much incensed with him to be propitiated by any exhibition he may make of parts for dirty doings. But the arts by which he endeavours to win back their regards necessarily irritate all honest men of liberal opinions, though at the same time they forbear from an utter rupture with him, in consideration of the slender degree of good that is in him, and the gratification his fall would give to the common enemy.

If Mr Peel belonged entirely to the Drone faction, we should hold him scarcely worthy of a word of criticism, and account him as we do any poor fungus of office. Anger is excited against him because he does enough good to warrant a demand and expectation of more, which he fails to afford or inconsistently resists. In abstract reasoning it is fine to say, love the man for his virtue and hate him for his vice; but it is not in nature thus to discriminate, and one is irritated by the disappointing see-saws of the virtue and the vice. In Horace's figure of Inconsistency, the most perfect beauty of the creation has the superior part, and yet, as it is unnaturally connected with deformity, the idea of it is loathsome to the fancy. Mr Peel's

virtue is not his superior part; upwards he is a Tory Shark, and he does but wag a tail of good intention.

While we offer these remarks in explanation of our feelings towards the man, we are far from meaning to deny that he has been an instrument of very considerable benefit, when all things are considered. What he has done in the way of performance we hold light, but what he has opened to others by the act of example, we account of inestimable value. He set the fashion of improvement in law reform—in that consists his merit. He has inserted the fine of the wedge, which others will steadily and perseveringly drive home with a riving force. No man could have accomplished this service so well as Mr Peel, for one so full of cant and void of genius had the implicit trust of all the dunces and ancient buzzards in the nation. Like Jack the Giant Killer, his potency has consisted in his littleness. The accident of Mr Peel's falling on our times may prove as rich in results as that of the descent of the apple on the head of Newton. The nature of that apple, whether a crab or a pippin, has never been deemed worth a mention, and the qualities of the Statesman may one day be regarded as no less indifferent, the aptness of either to useful impulse being the lucky accident on which the mind dwells.

As Mr Peel supplanted Mr Canning at Oxford,

so even such a man as Sir Robert Inglis has in turn ejected him! The address to narrow prejudices and bigotry, by which he succeeded against Canning, has been played off against himself. Righteous is the discomfiture, and excellent the moral to be deduced from it. Action and re-action in morals, as in physics, are equal and contrary; and every bad practice has its proper recoil. And here we may observe, strange as it may at first sound, our inclination to believe that Canning proved Peel's evil genius. We are indeed strongly disposed to think that Canning's adoption of the principle of toleration determined Peel's choice of bigotry. He was the earthern pot swimming down the stream with the brazen one; he saw that a jostle would be fatal to his materiel, and determined to cant with the tide in a new channel. The common sewer of intolerance was open to him, and into it our fragile vessel steered its course, and loomed a first-rate, the pride of the sink. When Canning foundered, however, the supremacy of the ditch lost its charms, as ambition again saw wider and sweeter seas open to the safe navigation of pottery, and he passes accordingly into the tide of liberality.

We do not rate Mr Peel's understanding far above mediocrity, but with the degree he possesses, such as it is, and his opportunities of acquiring knowledge of the world, it is scarcely conceivable

that he was ever bigot from blindness—the alternative is, that he *traded* on bigotry, and abandoned the disreputable ware as soon as he perceived an opening, unoccupied by a rival, in a more honourable vocation. Had Canning never been, Peel would probably have ever been pro-Catholic; had Canning lived now, Peel would probably have continued intolerant. The many men in public life who knew the feelings with which Mr Peel regarded Canning—feelings, the manifestation of which it was beyond his art to control—will also know the degree of probability which belongs to the view we have opened.

This is not the moment we should have chosen for casting our stone at Mr Peel, when he is under the malignant missiles heaped upon him by his old allies; but proceeding on the principle of exposing deceit and delusion wherever it exists, whether in the ranks of friends or foes, these observations have been forced from us by the laudatory party slang of some of our liberal contemporaries. Mr Peel has long played the part of *Joseph Surface* in the *School for Scandal;* he now, in the fifth act, appears in that of *Snake*, who emperils his reputation by doing a good action. For the present good he has our best wishes; and if circumstances, or an inexplicable change, or late conviction, or personal experience of the baseness of the faction

opposed to the happiness of mankind,—if any or all of these causes induce him to pursue the path on which he has entered, there is ample space before him for the redemption of his character, and the construction of a new fame on the most solid of all bases, the promotion of the prosperity and happiness of his fellow-men.

THE ANCIENT WATCH AND NEW POLICE.

[A prodigious clamour was raised against the Metropolitan Police during the first four or five years of the establishment, and many of the Tories joined in the outcry. One of the great offences of the force in the sight of the friends of ancient institutions, and also of the good folks trembling for old English liberties, was the similarity of the uniform to that of the French Gendarmes. Any coats could have been sooner forgiven than blue coats.]

"Charley is my darling."

We grieve to see the sluices of the *Standard's* sorrow for the loss of the venerable Parochial Watch again opened, by an article in the *Foreign*

Review, on the New Police. A writer in that periodical, who has a mortal aversion to the gendarmerie, some say Don Quixote, others Count Fathom, discovers that Mr Peel's innovation must have the effect of depriving us of our liberties; and certainly it may deprive us of the liberty we have hitherto enjoyed of being robbed and knocked on the head at discretion of their honours the thieves. Ancient Mause, in 'Old Mortality,' when she testifies against the Life Guards, uplifts her voice against their housings and carbines, their martingales, their nose-bits, their gun-picks, and their pan brushes. In shooting out the pen, and testifying against the Police, a similar stress of objection is laid upon their equipment. With the foreign nobleman's diatribe, we have no intention of meddling, agreeing with a contemporary, that the *Standard* had no need to piece out its own information and reasoning by the mistakes of any foreigner, however distinguished.

A contemporary wisely observes, that if we keep in view the end of government, we shall see the new institution for the protection of our persons and property in its just light and true relations. It then goes on to define the end of government, the protection of the people from the aggression of foreigners, and of one another.

From the possible aggression of foreigners, we are grievously protected by an immense standing army; while his Majesty's thieves have, for years,

carried on a successful civil war against us in the heart of the kingdom, and are now, for the first time, opposed by a regularly organized force. The *Standard* objects to the definition of the end of government, that it includes no provision against aggression from the side of the Executive. Of course, in a Wellington administration, a ministerial writer is not rude enough to think of such contingencies; but had they been contemplated, we question whether the precautions could be numbered among the ends of government. It is surely not an end of government to provide against abuse, oppression, or tyranny of government, but rather a *condition* of government. By making the power of government returnable to the people, that condition is only to be secured. A journal of the *Standard's* opinions must hold that our constitution is a mere nullity, being of no force to prevent or to punish the worst violations of the nation's rights, or perseverance in the most fatal course of policy. We come to the same conclusion, though proceeding on diametrically opposite grounds. The *Standard* traverses one political hemisphere for examples, and we traverse the other, and, meeting at the end of our semi-circuit, we agree that the existing constitution is a delusion, a dream, or a cheat. Our contemporary may say that, like Orlando's horse, it has every good quality, with the one fault of being dead; but we answer, that a constitution cannot have a worse

fault than decease. It cannot, like Liston in *Killing no Murder*, be subject to sudden death; once dead, it is only fit to be buried and forgotten. The *Standard* avers that it died last spring, as mad as a March hare; we date its demise with its birth, and believe only in its ghost, which was laid by Lord Castlereagh; but, supposing it was destroyed last year when the Pope was let into Parliament, why make any words about the Police now? It is an anti-climax to turn from the entire demolition of the barriers of liberty to a gendarmerie, said to threaten it with remote danger. What is a Police compared with a Pope? What are blue uniforms to the red petticoat? What are arms to his Holiness's foot, which this betrayed nation will shortly apply itself to kiss? But, waiving the objection that a complete ruin allows of no addition, and that after O'Connell was in Parliament a Grand Signior might have ruled in a Pimlico Seraglio, let us see what the *Standard* urges against the New Police, relying, with no need of foreign or any other aid, on the foreign nobleman's alarms in the *Foreign Review*:—

"Writing against a gendarmerie, the Reviewer "writes against that with which he has had a long "and minute acquaintance:—writing in its com- "mendation, the *Morning Chronicle*, *Globe*, and "*Morning Post*, commend that of which they "experimentally know nothing. The thing which "is the subject-matter of controversy is essentially

" 'foreign:' more or less it is to be found in every " despotic government of Europe, which are de- " spotic chiefly because of it; but in England it " has never been naturalized. No, not even in " our most tyrannical ages, or England never " would have grown into freedom. Here, then, " we defend ourselves against the charge of irre- " gularity in quoting the foreign reviewer. 'Cui- " que in sua arte credendum,' is the lawyer's " maxim, borrowed from the Peripatetics; and it " is true. If we want to know what the trial by " jury is? what the inviolability of a private dwel- " ling used to be? then ask of an Englishman; " but if you want to learn what the working of a " gendarmerie is, you must cross the water for in- " formation. But here, too, we make our stand " for higher objects than our own defence. The " thing is not—never was, English."

It is surprising that so shrewd a writer should have overlooked the circumstance, that if the foreigner better understands one half of the question, we better understand the other half. He may be best acquainted with a gendarmerie, but we are best acquainted with a Parochial Police, which has slumbered and snored from the age of Alfred down to the hour of Peel. If the thieves of Alfred had descended to us of the same dosing character as the watchmen, we might have allowed the fitness of means to objects, but few arts, under Providence, have improved more wonderfully than

the ancient art of thieving, which, next to the profession of the law, is exercised by the sharpest wits in the country. The Parochial Police have long been no match for the predatory adepts, it is necessary to substitute a new and more vigorous organization for the public protection.

A Morning Print observes,—

"Never was imitation of foreign laws carried "to a greater extent than within the last few years, "in matters strictly connected with, nay, of the "very first and most vital importance to our "liberty, against the spirit, practice, and express "words of our ancient laws and constitution. "Whilst other nations, where there is a Govern- "ment Police, are endeavouring, with all their "strength, to shake it off, and to have such power "intrusted to the people, we, who for a thousand "years have possessed this system of popular "right, now destroy it, and seek to introduce a "practice, which the constant experience of those "among whom it is received, proves to be the "most dangerous and effective engine of des- "potism."

It is the misfortune of England that, while her law has been a curse, a machinery of extortion, or tool of injustice, the study of Jurisprudence has been almost entirely neglected. We feel law *as it is* to be a pest, and are yet careless respecting the inquiry of law as it should be. In this condition,

imitation of nations who have directed more attention to the science of law, is scarcely a reproach, though the ignorance in which it has origin is a sore scandal. As for the foreign antipathy to Government Police, we must remember that it is an antipathy to an instrument which may be despotically used where there is a despotic power. A sensible people would not deny their Government the sword necessary to their own protection, but they would render the arm which wields it responsible for its employment. The evil is not in the instrument capable of good or of ill application, but in parting with control over the handle. The clap-trap use of the word Liberty mystifies the question. Liberty is a blessing as means to an end, that end happiness: to happiness security is necessary, not only security against the oppressions of Government, but security against the attempts, more frequently to be apprehended, of the thief and the cut-throat. The preservation of daily order spreading over many secondary points of comfort and convenience, also makes a large ingredient in a people's happiness. What is desirable is not to cramp or deny the convenient machinery of Government, but to base the Government on the popular power, and thus by the creation of steady responsibility to provide against abuse. That is the object at which we aim; and we contend not against efficient instru-

ments of Government, but for the just influence in the conduct and control of them.

The experience of history is fallaciously introduced in the consideration of this subject, the condition of society having undergone a change which alters the operation of causes. A subjugation to brute force is not now to be apprehended. Arms are subject to intelligence, and soldiers live in the atmosphere of opinion. There is neither the daring, nor the opportunity for martial despotism. The days of chivalry and of highwaymen are past, as are also the days of murder and robbery by Governments, which are now reduced to the refinements of swindling, and obtaining their objects under false pretences.

SATISFACTORY KNOWLEDGE.

In the opening of an Old Bailey trial we find this statement:—

"Jane Knight, being only eleven years old last "September, was examined by Mr Justice Little-"dale as to the propriety of her being examined "on oath: She goes to church; can say her "prayers; does not know her Catechism; can

" read a little, and *knows that people who swear* "*falsely in a Court of Justice go to brimstone and* "*fire.*—The Learned Judge said, *that was suffi-* " *cient.*"

Had Jane Knight not possessed that exact knowledge of brimstone and fire with their applications, her evidence would forthwith have been rejected. As it happened, notwithstanding the brimstone and fire, Jane Knight's testimony was discredited. The rationale of these tests of credibility is extremely curious. Justice desires to have Jane Knight's statement of a strict matter of fact, and, in order to ascertain her capacity for such evidence of fact, it asks her a question of belief. She says, I *know* that brimstone and fire are the lot of the forsworn! and having given so striking a proof of her idea of knowledge, she is pronounced competent to state what she *knows* also of the actions of one Solomon Israel. It proves however that her knowledge of Solomon Israel was not so exact as that of brimstone and fire, and the prisoner against whom she swore was acquitted. In a case of this kind, reason, in the place of that machine of rules the judge, would say, instead of "that is sufficient," " methinks the little lady doth profess too much."

About three years ago, the evidence of a Japanese was rejected, because when the man was asked where his deceased father and mother were gone to, he answered, " How can I tell?" Here was a witness who had given earnest of his strict ad-

herence to matter of fact, and for that very pledge he was rejected. Had he spoken positively either of that brimstone and fire on the one hand, or Abraham's bosom on the other, his testimony would have been admitted.

ATTEMPTS TO DEFEAT JUSTICE.

THE case of Henry and Helen Moss, convicted of barbarities to a female slave in the Bahamas, which caused her death, is replete with instruction. It is extremely valuable to get a statement of indisputable crime, and the various attempts to defeat justice, thus completely submitted to the scrutiny of society. Such an exposition presents a chart in which all the vulgar motives of falsehood, and the frauds of evidence, are clearly to be traced. *Ex uno, disce omnes.*

On the particular acts of cruelty we will not dwell. There are Mosses in the Bahamas, and Brownriggs to this day in the centre of civilization and the humanities,—there are famished apprentices maltreated even to death in this metropolis, as well as tortured slaves in the colonies. The part of the case which we regard as most especially deserving of observation is the strenuous endeavour to defeat

justice by setting up opinion against fact—by pleading character against proved crime. This is a practice common with our public men, in bar to inquiry; and the monstrous absurdity of it is at once recognized, when it is attempted after conviction. If any officer in England is accused, in Parliament for example, of tyranny, cruelty, or peculation, some half dozen gentlemen are instantly on their legs vouching for his temper, humanity, or incorruptible honesty. The specific impeachment is opposed by a general opinion. It never occurs to the vouchers that there are such moral phenomena as hypocrites in the world, and that it is not the custom of men to make parade of their failings or vices to those whose good opinion is necessary to their respectability or prosperity. In doubtful questions, character, which is but opinion, may properly turn the scale; but where crime is clearly proved, and character for the opposite virtue pleaded,—as humanity in a case of barbarity, or honesty in that of peculation,—the only inference is, that the party is an accomplished hypocrite, or the favourable witness, knave or dupe.

We consider it an especially fortunate circumstance, that the pleas for the Mosses were sifted by a mind like Mr Huskisson's. His analysis of the matter, and comparative estimate of the evidence, was most intelligent, acute, and luminous. He puts aside the testimonials to character after conviction on the principle we have stated, saying,

" With respect to considerations of character, I " must observe, that if the present offence be fully " proved, and the sentence no more than duly pro- " portioned to it, the circumstances of the former " life of the delinquents having been free from " offence, even if that were unquestionable, would " not justify the remittal of any part of the punish- " ment which is due to this offence singly. Had " the evidence of their guilt admitted of doubt, I " should have been most solicitous to give every " weight to the evidence for character, as rendering " it extremely improbable that persons of such " character should have been guilty of such " offences; but the offences being proven facts, " and evidence to character being always open to " some doubt, I cannot but perceive that the im- " probability which is raised, is, that persons guilty " of such offences should have really deserved so " very high a character for respectability and " humanity, as that to which some of the witnesses " have testified."

We now entreat particular attention to every part of the following statement (copied from the *Monthly Slavery Reporter*), not with the design of exciting the feelings against the particular offenders, but of showing the common system by which it is every day attempted, and in nine cases out of ten successfully attempted, to shield delinquents from the consequences of their crimes:—

" It appears that the Governor, General Grant,

" was absent from the colony when the crimes " were perpetrated, and the authors of them were " brought to trial. Mr President Munnings was " then acting as his substitute. This gentleman, " whom we greatly honour for his conduct on this " occasion, transmitted to Earl Bathurst on the 5th " of April 1827, the following account of the " matter :—

" ' Henry Moss, Esq. of Crooked Island, having " been accused of excessive cruelty to a negro " slave, by confining her for the period of seven- " teen days and nights in the stocks, without in- " termission ; by giving her, while in that situation, " tasks she was unable to perform, and by causing " her to be repeatedly flogged for the non-per- " formance of such tasks; and after releasing her " from the stocks, by having sent her to labour in " the fields, before she had recovered from the " effects of her confinement, and by having caused " her to be flogged in the fields (and the girl having " died in the field on the morning after she had " received one of those floggings); and Mr Henry " Moss, jointly with his wife Helen, having been " accused of rubbing red pepper (capsicum) upon " the eyes of this girl—the Attorney-General " preferred a bill of indictment against Mr Moss " and his wife for murder. The Grand Jury having " returded ' Not found ' upon this bill, the Attor- " ney-General preferred two other bills for mis- " demeanours, one against Mr Moss, the other

"against Mr Moss and his wife. Both these bills "were found by the Grand Jury, and after a very "full and patient investigation of the circumstances "of the case before the Petit Jury, during a trial "of upwards of sixteen hours' duration, a verdict "of Guilty was returned upon both indictments.

"'The Court sentenced Mr and Mrs Moss to "imprisonment in the common gaol at Nassau, for "five calendar months; and Mr Moss to the pay-"ment of a fine of 300*l.* over and above the costs "of the prosecution.

"'I have been solicited to remit or shorten the "term of Mrs Moss's imprisonment; but I shall in "no degree whatever alter the sentence of the "General Court, by the extension of mercy to "those by whom it appears none was exercised.'

"In a few weeks, General Grant returned to "the Bahamas and resumed his command. He "was immediately applied to '*by the most respect-able inhabitants of the town and colony*,' to remit "the sentence of Mr and Mrs Moss; and he lost "no time in applying to Lord Bathurst, in a letter "dated 18th May 1827, to authorize such remis-"sion. 'The *unfortunate* Henry and Helen "Moss,' he tells his Lordship, '*are rather to be "pitied* for the *untoward* melancholy occurrence "which has taken place;' he therefore hastens to "prevent the impression the bare mention of the "case might make on his Lordship's mind. In a "letter of a later date (3d July 1827), he recurs

" with much solicitude to the subject. Some ex-
" tracts from that letter have already appeared in
" the admirable dispatch of Mr Huskisson, who
" held the Colonial seals when it arrived. It
" expresses a strong sense *of the respectability of*
" *Mr and Mrs Moss*, and of their general kind-
" ness to their slaves, and refers to the high esti-
" mation in which they are held by all who have
" visited Mr Moss, and partaken of his hospitality.'
" Nay, 'Mr Moss, and especially Mrs Moss, have
" never been otherwise than favourably spoken
" of in every respect, including that of his slave
" management.' The Governor, in short, is most
" anxious that '*persons of their respectability*
" might be spared from imprisonment;' and, at
" least, that Lord Bathurst will allow him to
" 'relinquish the mulct,' '*lest they should be held*
" *cruel and oppressive beyond others,*' and also in
" order, in some degree, 'to remove the impres-
" sion of their being deemed habitually and noto-
" riously cruel.' But he adds—and the addition is
" most significative of colonial feeling on such
" subjects—'Notwithstanding their being in gaol,
" *they are visited by the most respectable persons*
" *in the place*, and by all who knew them before.
" This would not be the case, even here, if it was
" the public opinion that the treatment of Mr
" Moss's slaves in general was unduly severe!'"

In point of frankness, nothing can exceed the argument, that the Mosses could not deserve their

punishment (moderate, to blameable indulgence, as it was) because they entertained their friends hospitably. People could not have improperly scourged and blinded a slave, whose turtle was so very well dressed and liberally afforded, and whose curries were so entirely unexceptionable!

Then again, they would not have been visited in goal, had it been the opinion that the treatment of their slaves in general was unduly severe! This murder was thus only a little exception from the amiable tenor of their conduct. They really did not barbicue a slave every day!

M. Ude, the great cook, with like simplicity and moral obtuseness, remarks that some persons have *accused* him of cruelty, merely because he recommends eels to be burnt alive instead of skinned. And he justifies the method, as General Grant vindicates the humanity of the Mosses, by referring it to the test of good eating.

IMPRISONMENT ON MESNE PROCESS.

In our representations of the evils of imprisonment for debt on *mesne* process, we have repeatedly referred to the power which it affords to every rogue of incarcerating any person whose activity

at a critical moment might disturb his criminal schemes; and we have instanced several cases in point, which occurred a few years ago, when bill-jobbing frauds were favoured by the demand for money in the mania for speculation. Several country gentlemen who had been cheated in these transactions, on coming up to London to trace the knaves, were thrown into spunging-houses, for pretended debts which the swindlers swore against them, and leisure was thus obtained by the rogues for completing other frauds, and effecting their escapes without interruption or molestation.

As these evils are not absolutely of daily occurrence, they make slight impression on the public mind. The custom of safety renders persons negligent of security. The people of England make a prodigious noise about their liberties, but they are content to live with a noose constantly round their necks, because rogues do not very frequently find it worth their while to tighten the slack of the rope, and bondage them. The potentiality of mischief is a thing never regarded; and where there is a flaw in our policy, an immense accumulation of instances of abuse is necessary to conquer the *vis inertiæ* of the public, and to compel it to bestir itself for amendment. John Bull is like the gentleman who occupied one of the Alpha cottages, when the neighbouring high-ways and bye-ways were not so good and safe as they now are, and who observed to a friend, that he had resolved to change

his quarters, for, said he, "I have given it a fair "trial; I have been knocked down and robbed "regularly every night for the last three years, "and I can bear it no longer."

So it is with Mr Bull; nothing but a good series of knocking down and robbing will teach him the necessity of providing for his security. Demonstrate the opportunity for an injury to him, and, in batter-pudding accents, he replies upon you, "Theory." Knock him down for three years running, and he acknowledges Practice. Blessed are the knaves! for they are the only effective Reformers, and, thanks be to Providence! we rejoice in a goodly number of them. But for the hints they furnish in the way of practical demonstration, John Bull would never be convinced of the flaws in his jurisprudential policy. Until the steed is stolen, it is vain to attempt to persuade the honest gentleman of the theoretical convenience of bolts and bars.

How often do we feel the force of Shakespeare's phrase, "damned custom!"—against it how impotent is reason! Nothing surely is so little to be dreaded in this world as innovation. Customs only have the force of conquering customs. It becomes a custom for a people to trust their purse to men over whom they have no control, and who call themselves virtual Representatives; it becomes a custom for these "virtual Representatives" to rob the people, and the custom of pillage ultimately prevails against and cures the custom of apathy

and endurance; the inconvenience conquers the *vis inertiæ*, and excess of pain compels the new devices of prudence.

Who has not read with delight Mrs Hamilton's 'Cottagers of Glenburnie,' in which the dogged constancy of the Scotch to their habits of dirt and carelessness is so humorously described. *Mutato nomine de te fabula narratur*, O Bull. You are a man neat in your house and habits; you wash your hands twice, and your face once a-day; your corduroys are not greatly stained with beer, and your waistcoat is inconsiderably snuffy; you do not wear your stockings more than a week, and your shirt has knowledge of the laundry; there is no dung-hill before your door, your barns and out-houses are in repair, your roads are excellent, and you hold the golden maxim, that "one stitch in time saves nine:"—but there is foulness, and slovenliness, and carelessness, beyond the house, the farm, and the person. What the Scotch of Mrs Hamilton were in their domestic concerns, you, oh John, are in your political. There is a dung-hill before your door of justice, bigger and fouler than all the middensteads that ever stunk in Scotland—it is the Law, man. See in your public estate too the havoc the pigs make, against whom you have no fences, and who consequently devour your cabbages, grub up your carrots and turnips, stye in your house, and grunt in your Parliament—they are your Oligarchs—wilful creatures, vehement in filling them-

selves, inordinate in craving, and resolute in procuring their foul self-satisfaction.

It is with Mr Bull as it was with Mr Sawney in the less concern—"damned custom" renders him callous to the perception of the nuisances. "It's just vary weel,"—"it has always been that gait," —or he "canna be fashed" to change. For this evil content there is no cure but in the consequently-growing enormity of inconvenience. Mischiefs are like jokes, laughed at till they are practical. The day furnishes an instance in point. Heaven knows how long the law has given every rogue power over our liberties, or the privilege of merely going to an office, taking an oath, and procuring the arrest of any individual whose temporary confinement may be agreeable to his malice or his schemes of knavery; the defect has been pointed out and neglected, but a case occurs, and the Magistrates are in wonderment at the negligence of the law, and the vicious opportunity to vexation afforded by it. The sign of the fool with his finger in his mouth, and the sentiment, "Who'd have thought it!" is the precise emblem of English jurisprudence. It is as apt a type as that of our Justice, who, with blinded eyes, holds the scales in one hand to weigh her fees, and the sword in the other to smite without perception of her object.

But it is time we should leave generalities, and come to our special case.

A man named Mawby, an attorney's clerk, threw a person with whom he had a quarrel into prison for a pretended debt of 100*l.* The affair was brought before the Worship street Magistrates, as one of conspiracy, and the following evidence and comments upon it appears in the reports:—

"Thomas Garrett, the sheriff's officer, produced "a writ which he had received, 'William Jona- "than Fisher *v.* Beazley,' for 100*l.*, upon which "he and his assistant Joseph arrested the present "complainant Beazley. He did not know Mawby, "and had not seen him till the present time.

"Joseph Josephs, the assistant, said the writ "was brought to him on the 18th by the defendant, "who represented himself as clerk to Mr Chilcoat, "the attorney, whose name appeared on the writ. "The witness, knowing that Mr Garrett did not "do business for Mr Chilcoat, made some inquiry, "in answer to which defendant said the officers he "usually employed had offended them. He said "he wished the writ to be executed that afternoon, "as he was afraid Beazley would be going out of "town. He arrested Mr Beazley on the follow- "ing morning.

"Mr Broughton: But don't you take any steps "to ascertain that the person from whom you re- "ceive a writ is an attorney's clerk?

"The officer said *they did not.*'

"Mr Broughton: Then *is it in the power of*

" *any man to swear a debt against another, and* " *get him arrested without further ceremony?*

" The officer *admitted that it was so.* A She- " riff's officer thought it sufficient to hold the " King's writ, *taking it for granted that it was* " *correctly obtained.*

" Mr Boddy, a clerk in the Bill of Middlesex " Office, produced the affidavit of William Jona- " than Fisher, swearing 'that John Beazley owed " him 100*l.* and upwards, for leather, and for money " laid out, and expended by the said John Beazley, " by said deponent.' He had no recollection of " having seen Mawby before, and could not identify " the person by whom the affidavit was sworn, on " account of the number of persons who daily " attended at the office. A *precipe* was brought " to the office, and affidavit sworn, and the writ " issued as a matter of course.

" Mr Broughton: *Then it is in the power of* " *any man, by swearing to a fictitious debt, to* " *get a writ for arresting another.*

" *The witness admitted that it was,* and from " his explanation it appeared, that the present " practice is an improvement upon that which for- " merly obtained, when any plaintiff, who chose to " come and swear to a debt, had a writ issued " forthwith. It is now necessary that the *precipe* " should be endorsed by a known attorney, with " his name and residence.

" Mr Broughton observed, that if such were the

" practice, *a person would still be exposed to the* " *collusion of an unknown plaintiff, and a vindic-* " *tive attorney's clerk.*

" The defendant, when called upon for his de- " fence, said he was not guilty, and observed, that " he should carry the matter to the Sessions in a " very different shape.

" Mr Broughton; You'll carry it to the Sessions! " I shall take care that you appear there as a " defendant.

" Defendant: Very good, Sir.

" A long discussion ensued between the Magis- " trates as to the manner in which the defendant " should be prosecuted, and several instances were " related of the evils attendant upon the facilities " afforded to oppressive acts by the practice pur- " sued in attorneys' offices, Bill Offices," &c.

The Magistrates said they had decided that the prisoner should be tried for conspiracy, and ordered him to give bail.

THE SCOTCH JUDGES' SALARIES.

No one has heard of any deficiency in the administration of justice in Scotland. We are confident indeed that had such a charge been preferred it would have been angrily and stoutly denied, and according to the established formula used and approved on all such occasions, "flung back with scorn on the malignant source whence it emanated." Nevertheless it has been discovered that the Scotch Judges are not sufficiently paid, and a motion has been made by the Chancellor of the Exchequer (Mr Goulburn) for the augmentation of their salaries. As regards the administration of justice, the Scotch Judges are adequately salaried, but in comparison with English Judges, they are said to be underpaid. By a parity of argument, an Edinburgh tailor, who makes a coat for three pounds, for which in London five would be charged, should advance the price, because Stulz keeps his carriages and horses, and is a baron, and why should he of the Modern Athens trudge about on foot?

If good Judges have been had, and may be had, for the existing salaries, there is no pretext or apology for raising the stipend. Our Judges have been in no degree wiser since their salaries were

increased by some hundreds a-year. Sir Joseph York pleasantly observed:—

"With respect to my Right Hon. Friend's "motion for an increase of salary to enable the "Judges to live well—to feed all the importations "into the capital—and to give entertainments—it "is quite contrary to the natural course of pro- "ceeding; and whether they have questions of "crime or property to decide, they are likely to "have the strongest wits when they have not very "considerable means. I have always heard that "poor men have the sharpest wits. I would not "have them blow their jackets out with beef and "pudding every day, and fill themselves with "wines of the most excellent flavours. I would "have them keep their persons spare, and not get "their sensorium, their brain, filled with san- "guineous humours, but be ready at every moment "of their lives, and every day, to give a perfect "decision."

This is but an amplification of the old proverb—

Παχεῖα γαστὴρ λεπτὸν οὐ τίκτει νόον.

And further we may observe, that Judges have less occasion for great wealth than other men of the same rank in society. For what is the common course of a lawyer? If in his youth he has more than bread and cheese, the probability is that he will never be a great lawyer; and for professional success, his pleasures should be limited to the dis-

sipation of a half-play once a-year, a walk round Lincoln's inn fields before dinner, and to the Obelisk, in St George's fields, on Sundays. With these habits, proportionately vast application, and great good luck, he will begin to make money at about the age of five-and-thirty, and by fifty he will have accumulated a fortune, when he marries, and gets a family of black-headed and abundantly whiskered sons, who become hussars, danglers, and idlers, and are of a capacity to squander any conceivable sums which Parliament may add to the incomes of their parents. The last grant was a grant not to the Judges, but the Judges' sons, whose brass spurs jingled with joy at the bounty.

Happy are the Scotch Judges, who breed no captains and dandies out of their decent fortunes!

The House was in no humour to entertain the augmentation project, and Mr Peel admitting the fact, recommended the withdrawal of the motion, though he stated,—

"It appeared to him to be indisputable, that "the salary of those Judges was much too low, "and this was a point worthy of consideration, for "it was very desirable that the Scotch Judges "should be placed on so respectable a footing, "that there might be no idea entertained of their "inferiority to the Counsel practising in their "Courts: it had been stated, that two of the "Judges were so ill able to support their families, "that they either walked every day down to the

" Court, or went there in a hackney coach, owing " to their being unable to keep a carriage."

If we thought that a carriage was a constituent part of a judgment, we should allow there was force in the fact stated by Mr Peel; but with our idea of carriages and judgments, it seems to us as indifferent a circumstance as the manner of shoes the Judge wears on his feet, the gloves on his hands, or the hat on his head. Lord Elden used to send the mace down to the House of Lords in a hackney coach,—to save the fare he would have made it walk, if such an exercise of a mace had been possible; but it went in its hackney-coach, a cheap eighteen-pennyworth, a thing which it had never before done in the course of its days, for in the time of other Chancellors the mace always rode in its own coach. Lord Eldon had thirty thousand a-year, out of which he refused to support the luxurious extravagances of the mace; and therefore people did not suppose that the mace would lose all its virtues for the ordering of Parliament by reason of its contact and conversation with Jarvies; but had his Lordship kept his mace's nose to the grind-stone from penury, the world would have conceived infinite scandal, and trembled for the constitution. We confess we see as little to shock the public in the Scotch Judges walking as in the late Lord Chancellor's mace's lolling in its hackney-coach. As Mr Bentham says of the circuits, if vehicular motion be good for justice, put the Judges in a roundabout. The

Lord Mayor has the finest coach of any acting Magistrate in the land, but nevertheless we do not find the excellent operation thereof in his judgments!

Mr Brougham disapproved of coaching the Scotch Judges, but observed—

"That he was far from being among the number "of those who would carry too strict an economy "into the payment of judicial officers. The crite- "rion of paying the Scotch Judges one-half of "what was paid the English Judges was not acted "on; the true criterion was the possibility of ob- "taining men in the vigour of life and of a capa- "city for business—a capacity, of which the true "test was the possession of professional business."

When Mr Brougham makes professional business the true test of eligibility for the Bench, he must assume that the qualifications requisite for the Advocate and the Judge are the same, which position we doubt. The uncandid habits of the Advocate are bad preparatives for the office of the Judge, and the sort of mind which enables a man to shine in the one province is especially unfit for the other. Professional business is a bad test of judicial eligibility; but such as it is we must put up with it, because beyond all evils the Government of our country is dreaded; and if the elevation of unknown men were entrusted to our authorities, it is apprehended that the most scandalous appointments would take place. A man who had failed at the Bar might be the fittest of all candi-

dates for the Bench, but if Ministers *could*, by the laws of custom, promote such a man, we all know they *would* promote the well-connected blockheads who presented no other qualification than the circumstance of having failed at the Bar.

It is to be desired that the faculties of mind proper to the Judge and the Advocate were defined with some distinctness. We should then perceive, as Bayle says, whether we are putting a square to the work of a circle.

MAGISTERIAL INCAPACITY.

PROCEEDINGS against Magistrates have been frequent of late, and many cases of misconduct have been proved and admitted, which the *indulgence* of the Bench has been barely sufficient to shelter from punishment. In one instance, that of a Gloucestershire Magistrate, the Chief Justice confessed that the worshipful Justice had shown himself doubly incompetent—incompetent to distinguish between two very different statutes, and also to perceive the distinction between the case he had to deal with, and the application of those acts. He concluded by observing, that such a Magistrate

ought not to venture to act alone; but discharged the rule against him. Now we should like much to know why a Magistrate declared unfit to act alone, should be allowed to act in conjunction with others—why is the incompetent substantive to be converted into a bad adjective? We may represent the bright idea in a form of equation: Let A represent the known blunderer. B is an able Magistrate. Then the Chief Justice says, A is not equal to Justice, and I recommend that he connect his negative quantity to B: thus B—A= Z (the administration of Justice). Snap is a cur that does not know a tom-tit from a cock pheasant, but couple him with the good dog Ponto, and he may hunt the game. This is rather hard on Ponto. But there is a greater flaw still in the matter. Why is a Magistrate pronounced from the Bench unfit to act alone, left at liberty to act alone? Why is he continued in the Commission after the judicial declaration of his unfitness? He may henceforth administer justice like a Solomon in his single capacity, but who will be satisfied with his proceedings? and it is as necessary that the opinion of justice should exist, as that justice itself should be done.

We have now another example before us, in the King *v.* Knight, a Clerical Magistrate, and we shall cite merely the Chief Justice's summing up, as an additional instance of the extreme lenity with which the Bench treats Magisterial indiscretions:—

"Lord Tenterden: Upon the whole of the case, "as it has come before us, we see nothing to entitle "us to conclude that the defendant acted from cor- "rupt motives, and therefore we cannot make this "rule absolute. But then the defendant does "appear to have acted hastily in the first instance. "He said to Mrs Higgs, that *she was a lying "b——*, which were improper terms for him [a "Clergyman, and Magistrate, add, my Lord] to use; "and then *he had written to the owner of Higgs's "house on the 28th of September, that two men, "Priest and Savage, were to be convicted on the "following day* for stealing a gate; a thing which "it was far from being creditable in a Magistrate "to do. We are, therefore, of opinion, that the "rule ought to be discharged, but without costs on "either side."

But this person will continue to be a Magistrate, and may, for aught we know, act with the other gentleman declared incompetent to act alone, placing his figure as in decimal fractions on the right of the cipher, ·01 of Justice.

COMFORTS OF THE POOR.

PAUL LOUIS COURIER, one of the most remarkable writers of the age, observes that the great are thankful to power for what it gives to them, while the poor are grateful for what it leaves to them. Matters have unhappily arrived at such a pass with us as to render these two conditions incompatible, for favours to the rich press with the weight of injury on the poor.

During the last reign the people of England were greatly distressed by the reflection that their Monarch was the worst lodged Prince in Europe; this thought tortured the national mind, and robbed all good men of peace of mind. St James's Palace was the grief of every Briton. This evil has however been removed, not by prayers to heaven, but by grants of Parliament. Palaces have been pulled down and raised up, and we cannot be too thankful to our beloved Sovereign, who has so condescendingly studied to exalt the dignity of the crown, at some poor cost to his most unworthy but most admiring people.

Among his Majesty's subjects there is an inconsiderable order of persons, not far exceeding a million in number, who labour in his filthy city of

London, and are despised under the description of cockneys, a name so potently dislogistic as to sever the bearer of it from our sympathies, and to render him alien to the humanities, beneath account or regard, and undeserving of the cheapest and simplest pleasures of life. Confined in close neighbourhoods and employed in house-labour, these people have the keenest pleasure in exercise and fresh air, when they can get it, and certain spots in the vicinity of the metropolis are especially dear to them for the recreations they afford. Alas! we cannot have all we wish—some alloy always accompanies our blessings, as on the other hand some benefits may be found in conjunction with our vexations. Thus, while the people of London were made wretched by the shabbiness of St James's Palace, they had the Marylebone fields to walk in, which the taste of the Monarch, and genius of improvement, have since converted into a park, where their path is now confined to dusty roads. An improvement this unquestionably is for the rich, and the luxurious, and who but they are ever considered in this aristocratic country?

Everywhere we see the great advancing, palaces rising, gardens enclosed, but seldom do we observe a thought bestowed on the consequent encroachments on the simple enjoyments of the Poor. Their pleasures are estimated not by the just standard of their value to them, but their worth in the judgment of the rich. "What," says a ton of

flesh, with his parks and pleasure-grounds, "is the delight of a walk in a field, or a stroll on a dusty common?" He crieth nought, nought, and he goeth and encloseth. If the poor coveted the wealth of the rich as the rich despise the pleasures of the poor, society would be in a dangerous predicament indeed.

Hampstead-heath has long been a place of favourite resort to the industrious classes of London, and a Bill was in silent progress through the Houses for its enclosure, for the benefit of the Lord of the Manor, Sir Thomas Maryon Wilson. By a mere accident the smuggled mischief was discovered, and measures have been taken for its effectual opposition. The idea of thus "stopping the earths" against a million of people is not to be borne. There are few open spots now left, but for pity's sake let those few be preserved, even though the beings called Cockneys delight in them. To give the King palaces is an object worthy of any sacrifice; to permit to the people air, is also of some mean concern—it will not cost millions, and no architects disgrace heaths. The interest which the attempt on Hampstead-heath has excited, on the part of the friends of the people, gives occasion for the subjoined nervous writing, but we think unsound application of an argument abstractedly just, in the *Standard*:—

"As our empire has grown vast, our minds have "grown less, until the range of the organs of sense

" seems to bound our whole power of comprehen-
" sion. If at ease for the day, and as Bacon would
" say, in the *Den*, we look no further. This
" appears to be the vice pervading all parties, and
" all nearly in the same degree. We have seen a
" military despotism advancing in the shape of a
" *gendarmerie* bill, nearly without opposition;
" while something very like a rebellion was threat-
" ened to be excited to abolish a penny impost
" upon the use of chairs in St James's Park.
" We have seen the constitution broken in upon;
" and, as far as organized resistance went, defended
" with as much courtesy and feebleness as might
" have been expected from the Condottieri of the
" 16th century. In a day or two, however, to
" atone for this, we had, from some of the same
" mild parties, a perfectly factious opposition to
" the price of a gate for the King's palace. Again,
" we had the Houses of Parliament sitting on
" Saturdays, contrary to all former practice, to get
" snugly over the constitution breaking bill; and
" now we have the Parliament protracted, and
" committees sitting from day to day, upon the
" concerns, as it is said, of two coalmasters, and
" a bridge at the end of Fish street hill."

Our contemporary winds up with professing his intention—

" To point at the melancholy symptoms of
" national caducity, of which this inflated canting
" about amusements, tastes, and the like, is but

"one indeed, but nearly the most unequivocal. "The history of every nation that has flourished "and fallen will tell us what is the next stage to "that in which amusements and works of orna- "ment are treated as serious objects of the public "care."

Whatever affects the happiness of the people, no matter how intrinsically trifling it may be, is in our opinion a legitimate subject of concern; but if more worthy objects were neglected while these engrossed the public mind, we should agree with the *Standard* in its description of the preference, as a melancholy symptom of national caducity. The unreformed House of Commons is, however, neither the nation nor the representative of the nation; and we see nothing to give us to infer that its frivolity and impatience of the more momentous considerations are the characteristics of the age. As for "the breaking in upon the Constitution," we regard it as of incomparably less mischievous effect than the meditated inclosure of Hampstead-heath: the one measure will only disturb the content of bigotry, while the other would take from the harmless pleasures of those whose pleasures are few, and entitled to greater respect in proportion to their scantiness.

LEGISLATION.

THE fate of Mr Slaney's motion for a Committee of Inquiry into the Taxes on Malt and Beer, furnishes a melancholy proof of the policy of Government, which hesitates not to declare that it will not admit of a question between the maintenance of a profitable tax and the disadvantage of the attendant detriment to the comfort and morality of the people. The Chancellor of the Exchequer (Mr Goulburn) will not even listen to a representation of the effects of driving the lower orders to gin-drinking, with its odious consequences. He says—in substance certainly, almost in words —"I look to the tax only," and glosses the shameful avowal with talk of faith with the public creditor. Thus it is that extravagance ends in misery and corruption. The nation's wealth has been wantonly lavished, debt has been profligately incurred; and now the short objection to a proposal for the public benefit is simply that the proceeds of the tax, no matter whether injurious or not, cannot be dispensed with. *Rem, quocunque modo rem*, is the Exchequer maxim.

Mr Slaney shows that the consumption of malt has decreased, while an increase of the population

has taken place. In part, the decrease may be accounted for by the altered habits of the people, but we are inclined to attribute it mainly to the monopoly of the brewers, who, fortified by the Licensing System, compose drenches which raise a disgust against the very name of beer. Spirits are preferred to this filthy stuff, and indeed, those labouring people who from habit continue to drink it, say, that without the correction of gin their stomachs could not endure its deleterious effects. The philosophy may be false, but such is the practice, growing out of an opinion of the badness of the liquor.

Why is the abuse of the monopoly continued—why is not competition permitted to operate on this state of things? Why—because the Brewers are very strong in Parliament, much stronger in Parliament than in their beer, and as deleterious in the legislature as in their liquor. Because the licensing business is the very sweetener to the Unpaid Justice's duties, and there is a hidden and secret but inseparable affinity between it and turtle and venison feasts, batches of claret and cases of champagne.

In all the mischiefs of English law, stupidity has as much part as roguery. Acts of Parliament take upon them to direct both how things should and how they should not be done: we never remember to have heard of but one case in which they succeeded in showing how things *should be*

done; and that was in the prohibition of a certain build of boat, which laid down an excellent model for a smuggler, and caused the Deal men to declare that they never knew how to build a boat till Billy Pitt taught them. However happy they may occasionally be in suggestion through prohibition, they are wonderfully obstructive in direction; witness the following frightful statement of rules for the making of malt, quoted by Mr Slaney in his speech of Tuesday night:—

"There was no manufacture in the country so "interfered with as that of malt. The process of "malting was perfectly simple. The barley was "wetted, and in that state it sprouted; the sprout-"ing was checked by the kiln, and the interior of "the grain was thus turned into saccharine matter. "Yet, would it be believed, that till the other day "there were no less than forty Acts of Parliament "to teach the manufacturer how that simple process "was to be performed. Those forty Acts were "now reduced, or rather, he should say, expanded "into one, which added restrictions of every sort. "He knew that it might appear to some that he "was over-stating the fact, and he would, there-"fore, give an epitome of some of the clauses of "the Act. The first thing a poor man who wished "to malt his own barley had to do was, to obtain "a licence, then his name must be written at "length over the door, in letters of a certain size; "next, his cistern must be of a certain depth,

" breadth, and width—in short, it must be formed " according to geometrical proportion, and this " proportion was to be settled by a countryman " who never heard of geometry in his life. After " this, he was obliged to give notice of the time " when he intended to wet; the notice must be " given in writing, signed by the man's christian " and surname—it must fix a particular time—it " must be handed to the next Exciseman; if it " were a rural district, the wetting must take place " within forty-eight hours, and if otherwise, within " twenty-four hours. If he varied three hours from " the time specified, his notice was bad, and he " must go over the ground again. Thus (con- " tinued the Honourable Member) the poor man " must get his Parliamentary licence, must make " his Parliamentary cistern, must give his Parlia- " mentary notice, and wet only at a Parliamentary " hour. If he wishes to steep his malt he may do " so for forty hours, and not more than for forty- " five hours, unless he gives one of these vexatious " and everlasting notices, and after steering " through a Scylla and Charybdis of forms, he may " steep his malt for sixty-five hours. The procur- " ing his cistern, and wetting his malt, is only the " first process. He cannot take it out without " another notice, and then only once in ninety-six " hours, between seven and four o'clock, and he is " liable to penalties if in any way he infringes the " time prescribed. When all this is done, his malt

" must be laid in regular couches, according to " seniority, and if those couches have ragged and " not smooth edges, he incurs a penalty of 200*l.* " Still he is not at liberty to do as he likes with " his malt in any one respect. I pledge myself to " prove by maltsters, that it is of the utmost conse- " quence to the farmers of the kingdom to be able " to sprinkle seven-eighths of the barley at the end " of eight days. Yet as the law now stands, the " maltsters may not sprinkle until the end of twelve " days, and they are liable to penalties if a servant " throws a drop of water upon it. The poor man " who wishes to malt, is also obliged to keep a bar- " ley-book in which he is to enter days and hours " —the christian and surnames of every person " who sells him a bushel of barley, and the same " of every man who purchases malt from him. " Every bushel of malt sent out must be accom- " panied with a certificate, and every petty par- " ticular in the barley-book might be examined at " any hour of the day and night by the excisemen. " Every part of the process is loaded with the " most ruinous penalties, and before malt is brewed " it must run the gauntlet of at least thirty Acts of " Parliament, and there are not less than seventy " Statutes with which every man must be ac- " quainted before he can venture to malt his own " barley and brew his own beer."

We recommend persons who delight in Albums, to cut out this history and insert it in their volumes

as a capital legislatorial *jeu d'esprit.* If we could consider its acts apart from their doleful effects, no clown in a pantomime, no Grimaldi with sea-green cockatoo and red half-moon cheeks, is half so grotesquely droll, so convulsingly ridiculous in awkwardness, and great in upsetting the order of things, as Parliament. The statute-book is but one huge Pantomime of Mother Goose, in which the incident of cutting up the bird who lays the eggs, is performed at great length. The Commons enact the Clown, and the Lords the more grave part of Pantaloon, and they chase society in its progress, marring and meddling with the officious persecution proper to their clumsy geniuses. Their whole career is a series of tumbles, backslidings, and cogent slams of the head against the wall. But no personal regret or shame ever attends the catastrophe; this moment down in the mire, they are up again the next, and busy at another blunder. The Clown knocks us down with a blow fit for the slaying of an ox, but instantly repenting of the unintended injury, cries "poor fellow!" a-la-Grimaldi, sets us up on our head instead of our legs, and falls to wiping us clean of the mire with a scavenger's broom. We know not whether to laugh at the nonsense, or cry at the mischief. There is one point in which the resemblance between Parliament and the Pantomime Clown is prodigiously exact, and that is in a certain propensity to cram every thing that comes to hand into a

pair of pockets as ample and accommodating as conscience itself for forced or filched appropriations. Nothing comes amiss to it: a beer barrel goes into one pouch, a sack of flour into the other; its greed knows no bounds, and no compassion, and to its rapacity it would without a scruple of remorse sacrifice the health and morals of a whole people. As the old nursery song says,

"It grinds our bones to make its bread."

What is to be thought of a body who will not even institute inquiry into the prejudicial effect of a tax upon the lower classes, grounding the denial on the plea that the proceeds of the impost are too important to be brought into hazard, and that the morals and fair comforts of the hard-working classes must be sacrificed to financial convenience?

There is no deficiency of charity towards the poor of this country, but there is a total absence of justice in regard to them, and if the justice which is wanting prevailed, the charity that exists would not have the same occasions for its exercise. We level the poor to the dust by our general policy, and then take infinite credit to ourselves for raising them up again with the grace of charity.

THE NEW [GATE] SCHOOL OF DIVINITY.

THERE would seem to be two Schools of divinity in this country, namely, the Universities and the Gaols. At the former the graduation is slow, but the foot of the gallows ripens men into Theologians with surprising celerity. The circumstance of a person's having his neck in a halter qualifies him to admonish and instruct as confidently as if he had a cauliflower wig on his head.

We have been wonderfully edified by the account of the conduct of Edward Martelli, executed for forgery on Monday last. His bearing furnishes a fine example of the forcing effect of an impending rope on a man's theology. The stones of Newgate are to Divinity what the glass of a hothouse is to grapes. When such subjects as those we treat of thrive and spring up like the Prophet's gourd into Divines, in the passing of a sentence, we certainly should like to see how the same course would act upon a superior material. For example, how wonderful would be the effect of the gallows on the piety of a Bishop! It really would be worth the while of one of the Bench just to try

the experiment. Chemists poison themselves to ascertain the effects of deleterious substances, and why will not a Bishop consent to hang a little, just to prove how much it would stimulate his piety? Observe how the felons are beating all the world in godliness. Let not this scandal remain on us. The sensation of hanging may not after all be so very disagreeable. For only *half* an hour, Reverend Fathers, be prevailed on to try the experiment.

The following is Mr Martelli's pastoral letter, and if it does not produce an emulation on the episcopal Bench, we know not what will:—

"Sunday Afternoon, Four o'clock.

"My Dear John and Harriet,—I am very "happy, thanks be to God; I have had a very "comfortable day, and this will be read by you "when I am gone—aye, *gone to Heaven; that is* "*certain*—as certain as the promises of God. This "is no enthusiasm, for enthusiasm never could "give such peace of mind to any one so near the "point of death. Let this be encouragement to "you to look to the salvation of your immortal "soul. You must die some time or other, and if "you were to die now, what hope have you that "you would be partaker in that salvation which "our Redeemer has wrought, and which every "sinner may have a share in! But the mode in "which you must come to Christ is just as you

" are—*you must not wait till you are better before* " *you come; no, no; you must come just as you* " *are,* and pray Christ would give you a new heart " and a holy spirit; and when you have that spirit, " it will make you do good works, and which " works you cannot call your own, because they " are the effects of the Spirit of God working in " you. *Let me, therefore, beg of you to come just* " *as you are, with all your sins,* and I am sure he " will forgive you, and all you ask will be granted; " he will give you every blessing you can wish, " both for your body and soul.—Believe not only " your Brother, but the Brother of your Soul.

" EDWARD MARTELLI.

" P.S. Read the Testament, and follow Christ's " example—treat each other kindly—remember " Christ always treated every body kindly, no " matter who they were—so will the believer in " Christ, as near as he can, while on earth.

" There's a time you must appear
Before the Almighty throne;
May Jesus then relieve your fear,
And call you all his own.—Adieu."

Talk of examples! Why the gallows presents examples only of the blessedness of executions. There are no such joyous departures from this life. No men shuffle off their mortal coil so happily as those who do it by the coil of the rope.

Martelli's exhortation was especially proper for publication, the divinity being of the most agreeable kind, and in no way interfering with any earthly vocation. "*Come with all your sins*" and be forgiven. Pleasant and *right!* Sin is no manner of inconvenience to departing spirits of good faith. Oh that a Bishop would set all this straight by a little hanging!

NEWGATE SAINTS.

BURKE, the Edinburgh murderer, has added another shining example to the long list of remarkably pious individuals who have lately made the gallows a step to immortal glory. It would seem that the eminent piety of the land has too strong a tendency to seek its mortal dismissal at the rope's end. This disposition is referable to several causes. It may be, that persons who find in themselves an abundance of religious sentiment, are unwilling to let it pass away in the privacy of a natural death, and therefore that they take measures to furnish in their own persons those public examples of piety, which are so mightily necessary

to the edification of a lax and liberal * age. Whatever may be the motive of the present obvious *determination* of devotion to the drop, the effect is too palpably an alarming diminution of the Saints, who are thus passing themselves away, as it were, incog, or spontaneous martyrs in the disguise of murderers. Posterity, observing these appearances, will not fail to attribute the concession of Catholic Emancipation in 1829, to the fact, that the piety of the nation had all come to the gallows in the five preceding years. Thurtell, Hawarth, Corder, and other holy men, will be numbered in the catalogue of the saints, who have disappeared from the world's stage, *via* drop, at a period which especially called for the strenuous exertions of their religious zeal. Thurtell's loyalty was even more remarkable than his devotion, and he would have wrestled for the Throne as courageously and constantly as for the Altar, or for Mr Weare's purse. Corder, who professed an especial dislike to confession, only inasmuch as it smacked of Catholicism, would have headed a Brunswick Club, and adorned it with his orthodoxy. But these and many more such valuable men are gone, satisfied with having presented their holiness in momentary examples, instead of rather continuing

* For this sense of the word Liberal, see the Tory Prints passim. It signifies the unsetting of Heaven and Earth, that is to say, the abatement of abuses, and redress of grievances.

its influence in a narrower and more permanent sphere. They have preferred showing themselves in the brief brilliancy of meteors, to shining forth with the less striking light of fixed stars. Considering the sum of religion which has figured of late on the gallows, in relation with the alleged laxity of the age in that particular, we should be inclined to think that all the pious must have been hung, excepting the Bishops and their Clergy. Such an opinion will account for the sudden turn which the Catholic question has taken. The Duke of Wellington doubtless saw that lay orthodoxy and zeal had expired with the exemplary Corder.

It is true that the last sufferer, Burke, was a Catholic, but we by no means attribute to so liberal an institution as the gallows the narrow spirit of exclusion. On the contrary, it would seem to have a perference for the Saints of all creeds and denominations. In a Protestant country, it is, however, a Protestant gallows for the most part. Burke, indeed, when the Protestant and Catholic Divines offered their services, at first accepted them both, probably thinking he had zeal sufficient for the two, and that he might use them as a double-barrel gun for his heavenly aim, but he afterwards changed his mind, and confined himself to the mouth-piece of his faith.

By the way, that psalm which Burke sung (quoted as the 25th), is of a comfortable logic.

" Now for thine own name's sake,
O Lord, I thee entreat
To pardon mine iniquity,
For it is very great."

Making the *magnitude* of the iniquity an express reason for the pardon, is of an ingenious convenience. But perhaps the measure required the *for;* and that is a consideration in verse, to which all other things must cede. Metre before morality.

We have observed that there is more than one cause to be adduced, in explanation of the exhibitions of piety which the gallows affords; and in a work of the very highest credit and authority, which every observer of the world should turn with a daily and a nightly hand, we find another solution of the phenomenon under consideration. After what we have said, it ought to be unnecessary to add, that we refer to the 'Life of Mr Jonathan Wild the Great,' by Fielding, wherein there is a conversation between the Ordinary and the illustrious condemned, which goes far to explain the buoyant spirit with which good folks depart this life by the way of the gallows.

We shall begin our citation, where Mr Wild has proposed a bottle of wine to his spiritual guide, which the reverend person has declined, from a secret preference to punch, as a liquor no where spoken ill of in Scripture, and withal properer for a draught:—

" *Ordinary:* I will drink no wine with an " Atheist.

" *Jonathan:* It is your business to drink with " the wicked, in order to amend them.

" *Ordinary:* I despair of it; and so I consign " you over to the Devil, who is ready to receive " you.

" *Jonathan:* You are more unmerciful to me " than the Judge, doctor. He recommended my " soul to heaven; and it is your office to show me " the way thither.

" *Ordinary:* No; the gates are barred against " the revilers of the Clergy.

" *Jonathan:* I revile only the wicked ones, if " any such there are, which cannot affect you, " who, if men were preferred in the church by " merit only, would long since have been a " Bishop. * * * *

" *Ordinary:* Why, it must be confessed that " there are bad men in all orders; but you should " not censure too generally. I must own I might " have expected higher promotion; but I have " learnt patience and resignation, and I would " advise you to the same temper of mind, which, if " you can attain, I know you will find mercy: " nay, I do now promise you, you will. It is " true, you are a sinner, but *happy is it indeed for* " *those who are detected in their sins and brought* " *to exemplary punishment for them in this world.* " *So far, therefore, from repining at your fate,*

" *when you come to the tree, you should exult and* " *rejoice in it; and to say the truth, I question* " *whether, to a wise man, the catdstrophe of those* " *who die by a halter is not more to be envied than* " *pitied.* Nothing is so sinful as sin, and murder " is the greatest of all sins; it follows that *whoever* " *commits murder is happy in suffering for it.*"

NOBLE SPORTS.

SHAKSPEARE says, that the poor beetle feels the pangs of death as acutely as the giant. *Practical men* should argue that the position is true in theory but false in fact, for we may remark that sympathy with animal suffering is in direct proportion with the size of the subject. Bull-baiting is never mentioned without becoming expressions of abhorrence. The bull is a large animal. It is accordingly an established scandal that Spanish ladies can sit by and behold even with pleasure the persecution and destruction of the creature. This must be merely a question of magnitude, for we find that English ladies have not the least repugnance to witnessing the sufferings of partridges, which, being small birds, are, we must conceive, out of the pale of sympathy.

The Duke of St Albans is, as the newpapers inform us about fifty times a year, Hereditary Grand Falconer, by virtue of which office he is privileged to ride about, once a twelvemonth, without the imputation of madness, wearing a "green "jacket, golden girdle, and gauntlets magnifi- "cently trimmed, Spanish hat turned up before, "with a large white feather, buskins, and gold "spurs." And here, in reciting the particulars of this sort of apparition, we cannot help pondering on the strange advantages of birth. If another man was seized with the whim of green jacketting, gold girdling, and white feathering himself, the extreme probability is, that the little boys would hoot and pelt him as he passed along, and that his next of kin would change his clothing for a strait-waistcoat; but being born to the privilege of tricking himself out in this guise, he is a figure for admiration instead of for public ridicule, or a commission of lunacy. The idea of a Grand Falconer is imagined necessarily to include green jacket, gold girdle, and white feather. But our present affair is not with the green jacket, gold girdle, or white feather, but with the ladies, the hawks, and the partridges. On the last day of Falconry, the Duchess, the Ladies Beauclerk, and others, according to the newspapers, accompanied the Duke, and beheld with infinite delectation the sport thus described:—

"1st Flight.—A dog having pointed, a hawk

" was unhooded and loosed; it rose with all the " grace of freedom into its native element, wheel- " ing over the heads of the party as though sur- " veying the operations; sweeping to the right " and to the left; now rising into mid-air in the " distance, and now attentive to the hawker's call, " gradually contracting its range of flight, and " narrowing its circles; descending suddenly to " the surface of the earth, and then rising again " with equal abruptness. The partridge was " flushed, and flew with the wind towards the com- " pany; the hawk marked it with apparent un- " concern, and, as though little disposed to take " the same direction, yet without exactly pursuing " any track, he gradually neared it to within a " certain distance, when he suddenly crossed on " the bird's line of flight, and seizing it at a height " of thirty or forty yards, *absolutely bore it in his* " *beak, bleeding and screaming* over the heads of " the company, and carrying it down into the belt " of a plantation adjoining the road. The numerous " company (400 perhaps in number) were *equally* " *astonished and delighted* with the singularity " *and the effect of such a bold and novel action.* " The hawker brought the bird, which was quite " dead, *to the carriage of the Duchess*, with the " hawk on his hand, pecking the *bleeding head* " with his powerful bill."

Here are materials for delight! The bird of prey bearing away the poor partridge " bleeding

and *screaming;*" and the hawk "pecking the bleeding head with his powerful bill." And the high-born ladies who, as we are told, witnessed with delight this spectacle, would exclaim against the barbarity of the Spanish females in beholding a bull-fight. And why? Because bulls are so much larger than partridges. But the principle of size fails here, we must confess; for the same ladies who could bear to see the agonies of terror and death of the poor partridge, would recoil with disgust from an invitation to a cock-fight. Now cocks are not so much larger than partridges as to account for the difference of sentiment; and cruel as the sport is, the birds are equally matched, and it is not, as in the other case, a sight of mere slaughter—of the butchery of the terror-struck weak by the strong—there is in the two instances exactly the comparative difference between a fight and a murder. People have amused themselves by imagining beings above us taking the same interest in our actions which we take in those of creatures below our species, and there may be angels, like the Duchess, who have turned with horror from the combat of two champions in the field, but beheld in mid-air, with bland delight, the murder of Maria Marten by Corder.

We quote another specimen of the sport:—

"3RD FLIGHT.—Though it was evident from "the state of the wind, that there was great

" danger of losing the hawks by persisting in the " sport, his Grace ordered a third hawk to be " tried. A bird was flushed, on which it darted " almost immediately, and killed in fine style; a " second bird arose, and made direct across the " large field for the company. The hawk was at a " considerable distance, but bore obliquely on the " same line: *there was the fullest conviction the* " *bird would escape:* when about half across the " field, the hawk being at a height of twenty yards " above the partridge, flew rapidly as though for " passing over, when it descended in a sudden " swoop, curving down with great force, and strik- " ing the bird, which had lowered itself, *with a* " *violence that made it roll over several times as it* " *fell on the ground,* about twenty yards from the " company. Yet the point of contact was not " visible to the eye: the motion, when it was " struck, could not be traced; you only saw the " effect. The hawk rose again, and crossed the " road: but soon returned over the spot *where the* " *bird lay trembling;* the partridge again rose, and " was cheered by the company as it crossed over " their heads, and flew down a lane; the hawk " followed it as though indolently, but soon made " a second dart, striking the partridge with vio- " lence into the ditch; and thus killing both its " birds *in good style.*"

This was all vastly becoming in the hawk, but what is to be thought of the gratification of the

ladies? How are we to account for the moral anomaly of such a sport proving acceptable to natures prone to pity and sympathy with the innocent and the helpless? Why, too, would the persons who beheld such sights abominate bull, cock, or dog fights, in which it is not all terror and suffering on one side? In Spain a Duchess would, by way of compliment, have the bull dragged in triumph by her seat. The English Duchess exclaims, How brutal! She has only a hawk brought to her carriage door, "pecking the bleeding head" of the poor partridge "with his powerful bill." Really, when we consider these things, we should abate our expressions of virtuous abhorrence of the barbarous customs of other idle and unthinking people. While Duchesses and Ladies hawk, we cannot expend all indignation on the cockers and bull-baiters.

MELANCHOLY CASE OF A DUKE.

An uncommon case puzzled the Faculty some years ago. A worthy gentleman in vigorous health, and having the organs of sight in excellent perfection for all objects but one, complained of a distressing inability to read even the largest print

that was set before him! Many were the learned theories propounded in explanation of this curious defect, and after the patient had had his eyes all but poked out by the various oculists, some commonplace person asked him whether he had ever learnt to read, a question which he, with great simplicity, resolved in the negative, and thus explained the problem which had so greatly perplexed the learned.

The Duke of —— complains, with similar *naïveté*, that he cannot collect his ideas when he addresses the Noble House. Alack, alack! my Lord Duke, "the Spanish fleet you cannot see, because it is not yet in sight." The ideas the honest Nobleman would collect are not yet born of the brain. "De non existentibus et de non apparentibus eadem est ratio," says the law maxim.

END OF THE FIRST VOLUME.

LONDON:
PRINTED BY C. AND W. REYNELL,
LITTLE PULTENEY STREET.

00027166

Date Slip
29 JUN 1964

Digitized with financial assistance from the
Government of Maharashtra
on 04 February, 2016